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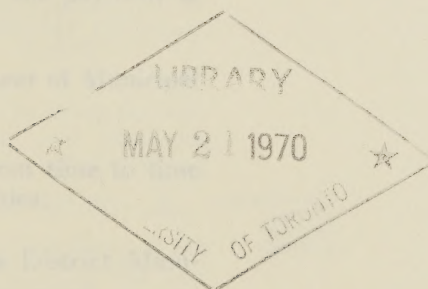
BILL 80

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

75

An Act to establish The District Municipality of Muskoka

Mr. McKEOUGH



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The Bill provides for the formation of six area municipalities by the amalgamation and annexation of the 25 local municipalities and three geographic townships in the District of Muskoka together with a portion of the geographic township of Finlayson in the District of Nipissing and for the incorporation of The District Municipality of Muskoka.

The Bill is divided into nine Parts:

- Part I — Area municipalities
- Part II — Incorporation and Council of District Area
- Part III — District Sewage Works
- Part IV — District Road System
- Part V — Planning
- Part VI — Health and Welfare Services
- Part VII — Police
- Part VIII — Finances
- Part IX — General

BILL 80

1970

An Act to establish The District Municipality of Muskoka

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the Town of Bracebridge, the Township of Georgian Bay, the Town of Gravenhurst, the Town of Huntsville, the Township of Lake of Bays and the Township of Muskoka Lakes, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the District Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “Department” means the Department of Municipal Affairs;
- (f) “District Area” means the area from time to time included within the area municipalities;
- (g) “District Corporation” means The District Municipality of Muskoka;
- (h) “District Council” means the council of the District Corporation;

- (i) "district road" means a road forming part of the district road system established under Part IV;
- (j) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (k) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (l) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the District Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (m) "local municipality" means in the year 1970 a local municipality and a geographic township in the District Area and the portion of the geographic township of Finlayson included in the District Area;
- (n) "Minister" means the Minister of Municipal Affairs;
- (o) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 113;
- (p) "Municipal Board" means the Ontario Municipal Board.

PART I

AREA MUNICIPALITIES

Constitution
of area
municipalities

2.—(1) On the 1st day of January, 1971,

- (a) The Corporation of the Town of Bracebridge, The Corporation of the Township of Oakley, The Corporation of the Township of Macaulay and The Corporation of the Township of Draper are amalgamated as a town municipality bearing the name

of The Corporation of the Town of Bracebridge and the portions of the Township of Monck, the Township of Muskoka, and the Township of McLean described as follows are annexed to such town:

FIRSTLY, part of the Township of Monck, commencing at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township of the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom that part of the Town of Bracebridge lying within the Corporation Boundary of the said Town;

SECONDLY, part of the Township of Muskoka, commencing at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement;

THIRDLY, part of the Township of McLean commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

- (b) The Corporation of the Township of Freeman together with the geographic township of Gibson and the geographic township of Baxter are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgian Bay;
- (c) The Corporation of the Town of Gravenhurst, The Corporation of the Township of Morrison and The Corporation of the Township of Ryde are amalgamated as a town municipality bearing the name of The Corporation of the Town of Gravenhurst and the portions of the Township of Muskoka and the Township of Wood described as follows are annexed to such town:

FIRSTLY, part of the Township of Muskoka, commencing at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly, and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Lake Muskoka;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Gravenhurst;

SECONDLY, part of the Township of Wood, commencing at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement;

- (d) The Corporation of the Town of Huntsville, The Corporation of the Village of Port Sydney, The Corporation of the Township of Brunel, The Corporation of the Township of Chaffey, The Corporation of the Township of Stisted and The Corporation of the Township of Stephenson are amalgamated as a town municipality bearing the name of The Corporation of the Town of Huntsville;
- (e) The Corporation of the Township of Franklin, The Corporation of the Township of Ridout and the geographic township of Sinclair are amalgamated as a township municipality bearing the name of The Corporation of the Township of Lake of Bays and the portions of the Township of McLean and the geographic township of Finlayson described as follows are annexed to the said Township of Lake of Bays;

FIRSTLY, part of the Township of McLean, commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

SECONDLY, part of the geographic township of Finlayson, commencing at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said Township;

THENCE westerly along the said northerly boundary to the northwest corner of the said Township;

THENCE southerly along the westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement;

- (f) The Corporation of the Town of Bala, The Corporation of the Village of Port Carling, The Corporation of the Village of Windermere, The Corporation of the Township of Cardwell and The Corporation of the Township of Watt are amalgamated as a township municipality bearing the name of The Corporation of the Township of Muskoka Lakes and the portions of the Township of Medora and Wood and the Township of Monck described as follows are annexed to such Township:

FIRSTLY, part of The Corporation of the United Townships of Medora and Wood commencing at the northwest corner of the Township of Medora;

THENCE southerly along the westerly boundary of the Township of Medora and the westerly boundary of the Township of Wood and easterly along the southerly boundary of the Township of Wood to its intersection with the production southerly of the easterly limit of the said Lot 9 Concession XX Township of Wood;

THENCE northerly to and along the eastern limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production northerly to its intersection with the easterly limit of the Township of Wood;

THENCE northerly and easterly along the boundary between the townships of Wood and Muskoka to its intersection with the boundary between the townships of Wood and Monck;

THENCE northwesterly along the boundary between the townships of Wood and Monck to its intersection with the boundary between the townships of Medora and Monck;

THENCE northerly along the boundary between the townships of Medora and Monck to its intersection with the boundary between the townships of Medora and Watt;

THENCE northerly along the boundary between the townships of Medora and Watt to the northeast corner of the Township of Medora;

THENCE westerly along the northerly boundary of the township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Port Carling and the Corporation Boundary of the Town of Bala;

SECONDLY, part of the Township of Monck, commencing at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

NOTE: *All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.*

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders

R.S.O. 1960,
cc. 274, 249

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and subject to the provisions of this Act the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers, and "municipalities" in clause a of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Wards of
area municipa-
lities;
Bracebridge

3.—(1) The area municipality of the Town of Bracebridge is divided into the following wards:

1. Bracebridge Ward — which shall comprise the area of the Town of Bracebridge as it exists on the 1st day of July, 1970.
2. Draper Ward — which shall comprise the area of the Township of Draper as it exists on the 1st day of July, 1970.
3. Macaulay Ward — which shall comprise the area of the Township of Macaulay as it exists on the 1st day of July, 1970.
4. Monck South Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between Concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° west through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township to the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Bracebridge Ward.

5. Muskoka North Ward — which shall comprise the part of the Township of Muskoka being more particularly described as follows:

COMMENCING at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement.

6. Oakley Ward — which shall comprise the area of the Township of Oakley as it exists on the 1st day of July, 1970, together with part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

Georgian
Bay

- (2) The area municipality of the Township of Georgian Bay is divided into the following wards:

1. Baxter Ward — which shall comprise the area of the geographic township of Baxter as it exists on the 1st day of July, 1970.

2. Freeman Ward — which shall comprise the area of the Township of Freeman as it exists on the 1st day of July, 1970.
3. Gibson Ward — which shall comprise the area of the geographic township of Gibson as it exists on the 1st day of July, 1970.

(3) The area municipality of the Town of Gravenhurst is ^{Gravenhurst} divided into the following wards:

1. Gravenhurst Ward — which shall comprise the area of the Town of Gravenhurst as it exists on the 1st day of July, 1970.
2. Morrison Ward — which shall comprise the area of the Township of Morrison as it exists on the 1st day of July, 1970.
3. Muskoka South Ward — which shall comprise part of the Township of Muskoka and part of the Township of Wood, being more particularly described as follows:

Part of Township of Muskoka.

COMMENCING at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka.

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly and southwesterly following the said boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Muskoka Lake;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Gravenhurst Ward;

Part of Township of Wood

COMMENCING at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood being the centre line of the Severn River to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lots 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement.

4. Ryde Ward — which shall comprise the area of the Township of Ryde as it exists on the 1st day of July, 1970.

(4) The area municipality of the Town of Huntsville is ^{Huntsville} divided into the following wards:

1. Brunel Ward — which shall comprise the area of the Township of Brunel as it exists on the 1st day of July, 1970.
2. Chaffey Ward — which shall comprise the area of the Township of Chaffey as it exists on the 1st day of July, 1970.
3. Huntsville Ward — which shall comprise the area of the Town of Huntsville as it exists on the 1st day of July, 1970.
4. Port Sydney Ward — which shall comprise the area of the Village of Port Sydney as it exists on the 1st day of July, 1970.
5. Stephenson Ward — which shall comprise the area of the Township of Stephenson as it exists on the 1st day of July, 1970.
6. Stisted Ward — which shall comprise the area of the Township of Stisted as it exists on the 1st day of July, 1970.

(5) The area municipality of the Township of Lake of Bays ^{Lake of Bays} is divided into the following wards:

1. Franklin Ward — which shall comprise the area of the Township of Franklin as it exists on the 1st day of July, 1970.
2. McLean Ward — which shall comprise part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

3. Ridout Ward — which shall comprise the area of the Township of Ridout as it exists on the 1st day of July, 1970.
4. Sinclair Ward — which shall comprise the area of the geographic township of Sinclair as it exists on the 1st day of July, 1970 and part of the geographic township of Finlayson in the District of Nipissing being more particularly described as follows:

COMMENCING at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said township of Finlayson;

THENCE westerly along the said northerly boundary to the northwest corner of the said township of Finlayson;

THENCE southerly along the westerly boundary to the southwest corner of the said township of Finlayson;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement.

Muskoka
Lakes

(6) The area municipality of the Township of Muskoka Lakes is divided into the following wards:

1. Bala Ward — which shall comprise the area of the Town of Bala as it exists on the 1st day of July, 1970.
2. Cardwell Ward — which shall comprise the area of the Township of Cardwell as it exists on the 1st day of July, 1970.

3. Medora and Wood Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at a point on the west boundary of the Township of Medora at its intersection with the production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the said road allowance and the production easterly thereof to a point in Lake Joseph measured easterly along the said production being distant 30 chains from its intersection with the production northerly of the division line between lots 16 and 17;

THENCE southeasterly through Lake Joseph along a straight line to a point on the southerly shore of its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the said road allowance to the centre line of the road allowance and its production southerly between concessions E and F;

THENCE westerly along the centre line of the road allowance between concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE southeasterly along the said connecting line to the shore of East Bay of Lake Muskoka;

THENCE southerly along the centre line of the road allowance between lots 15 and 16 to its intersection with the centre line of the road allowance between concessions IX and X for the said Township of Wood;

THENCE westerly along the centre line of the road allowance between concessions IX and X and the production westerly thereof to its intersection with the western limit for the said Township of Wood;

THENCE northerly along the western limit of the said Township of Wood and the western limit of the said Township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within Bala Ward.

4. Monck North Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

5. Port Carling Ward — which shall comprise the area of the Village of Port Carling as it exists on the 1st day of July, 1970.
6. Medora North Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at the northwest angle of the Township of Medora;

THENCE southerly along the westerly limit of the said Township to its intersection with a production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the road allowance between concessions IV and V and the production easterly thereof to a point in Lake Joseph, measured easterly along the said production and distant 30 chains from its intersection with the division line between lots 16 and 17 in Concession IV;

THENCE southeasterly through Lake Joseph on a straight line to a point on the southerly shore at its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the road allowance and its production southerly to the centre line of the road allowance between concessions E and F;

THENCE westerly along the centre line of the road allowance between the said concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE in a general northeasterly direction through Lake Muskoka following the geographical boundary between the said Township of Medora and Wood and the boundary between Medora and Monck to its intersection with the north shore of Lake Muskoka being the most southeasterly angle of the boundary of the Village of Port Carling;

THENCE northwesterly, northerly and southeasterly following the boundary of the said Village of Port Carling to a point on the shore of Lake Rosseau at its intersection with the east boundary of the Township of Medora;

THENCE in a general northerly direction through Lake Rosseau following the eastern limit of the said Township of Medora to its intersection with the northerly limit of the said Township;

THENCE westerly along the northerly limit of the said Township to the point of commencement.

7. Watt Ward—which shall comprise the area of the Township of Watt as it exists on the 1st day of July, 1970.
8. Windermere Ward—which shall comprise the area of the Village of Windermere as it exists on the 1st day of July, 1970.
9. Wood South Ward—which shall comprise part of the townships of Medora and Wood being more particularly described as follows:

COMMENCING at a point in the westerly boundary of the Township of Wood at its intersection with the production westerly of the centre line of the road allowance between concessions IX and X of the said Township;

THENCE easterly along the centre line of the said road allowance to the centre line of the road allowance between lots 15 and 16;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora, to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE southwesterly, northwesterly and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly and southerly along the division line between the townships of Muskoka and Wood to the production northerly of Lot 9 Concession VI of the Township of Wood;

THENCE southerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production to its intersection with the southerly boundary of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the westerly limit of the said Township;

THENCE northerly along the westerly limit of the said Township being the easterly limit of the Township of Baxter and the Township of Gibson to the point of commencement.

NOTE: *All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.*

(7) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and such other members elected in the wards in the area municipality as follows:

Ward representation on area councils

1. The Town of Bracebridge:

Bracebridge Ward	Three members
Draper Ward	One member
Macaulay Ward	One member
Monck South Ward	One member
Muskoka North Ward	One member
Oakley Ward	One member

2. The Township of Georgian Bay:

Baxter Ward	Two members
Freeman Ward	Two members
Gibson Ward	One member

3. The Town of Gravenhurst:

Gravenhurst Ward	Three members
Morrison Ward	Two members
Muskoka South Ward	Two members
Ryde Ward	One member

4. The Town of Huntsville:

Brunel Ward	One member
Chaffey Ward	Two members
Huntsville Ward	Two members
Port Sydney Ward	One member
Stephenson Ward	One member
Stisted Ward	One member

5. The Township of Lake of Bays:

Franklin Ward	Two members
McLean Ward	One member
Ridout Ward	One member
Sinclair Ward	One member

6. The Township of Muskoka Lakes:

Bala Ward	One member
Cardwell Ward	One member

Medora and Wood Ward	One member
Monck North Ward	One member
Port Carling Ward	One member
Medora North Ward	One member
Watt Ward	One member
Windermere Ward	One member
Wood South Ward	One member

First
elections
and terms
of office

(8) Elections for the first council of each area municipality shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972

Idem

(9) For the purposes of the elections of the first council of the area municipalities,

(a) the Minister shall by order,

(i) fix the days, times and places of nominations and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, the qualifications of candidates, and

(ii) provide for all such other matters as he considers necessary to hold the elections; and

R.S.O. 1960,
c. 249

(b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* and are resident in a local municipality or part thereof within the District Area between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Organiza-
tion com-
mittee in
1970

(10) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses
of first
elections

(11) The expenses of the local municipalities for the elections to elect members of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

(12) Except as otherwise provided in this Act, no elections for council shall be held in the year 1970 in the villages of Port Sydney and Windermere and the incumbent councils thereof shall continue in office until the 31st day of December, 1970.

No elections,
Port Sydney
and
Windermere

4.—(1) In every area municipality,

Meetings
of electors
for nomina-
tion of
candidates
and polling
day

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and

(b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Place of
nomination
meeting

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Term of
office

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Resident
voters' list
The
R.S.O. 1960,
c. 254

5. This Part comes into force on the day this Act receives Royal Assent.

Commence-
ment of
Part

PART II

INCORPORATION AND COUNCIL OF DISTRICT AREA

6.—(1) On the 19th day of October, 1970, the inhabitants of the District Area are hereby constituted a body corporate under the name of The District Municipality of Muskoka.

District
Corporation
constituted

Deemed
municipality
under
R.S.O. 1960,
cc. 98, 274

(2) The District Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Provisional
judicial
district

(3) The District Municipality of Muskoka is for judicial purposes a provisional judicial district.

Registry
and land
titles
divisions
not affected

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

District
Council to
exercise
corporate
powers

7.—(1) The powers of the District Corporation shall be exercised by the District Council and, except where otherwise provided, the jurisdiction of the District Council is confined to the District Area.

Powers
exercised
by by-laws

(2) Except where otherwise provided, the powers of the District Council shall be exercised by by-law.

Not to be
quashed as
unreason-
able

(3) A by-law passed by the District Council in the exercise of any of its powers and in good faith shall not be open to question or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of District
Council

8.—(1) The District Council shall consist of twenty-three members composed of a chairman and,

- (a) in the year 1970, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) three members elected by the council of the area municipality of the Town of Bracebridge as follows,
 - (i) one member elected to such council for Bracebridge Ward,
 - (ii) one member elected to such council for either Monck South Ward or Muskoka North Ward,
 - (iii) one member elected to such council for one of the wards of Draper, Macaulay or Oakley;
- (c) two members elected by the council of the area municipality of the Township of Georgian Bay as follows,
 - (i) one member elected to such council for Baxter Ward,
 - (ii) one member elected to such council for either Freeman Ward or Gibson Ward;

- (d) three members elected by the council of the area municipality of the Town of Gravenhurst as follows,
 - (i) one member elected to such council for Gravenhurst Ward,
 - (ii) one member elected to such council for Muskoka South Ward,
 - (iii) one member elected to such council for either Morrison Ward or Ryde Ward;
- (e) three members elected by the council of the area municipality of the Town of Huntsville as follows,
 - (i) one member elected to such council for Huntsville Ward,
 - (ii) one member elected to such council for Chaffey Ward,
 - (iii) one member elected to such council for one of the wards of Brunel, Port Sydney, Stephenson and Stisted;
- (f) two members elected by the council of the area municipality of the Township of Lake of Bays as follows,
 - (i) one member elected to such council for either Franklin Ward or Sinclair Ward,
 - (ii) one member elected to such council for either Ridout Ward or McLean Ward;
- (g) three members elected by the council of the area municipality of the Township of Muskoka Lakes as follows,
 - (i) one member elected to such council for one of the wards of Bala, Port Carling or Windermere,
 - (ii) one member elected to such council for one of the wards of Cardwell, Monck North or Watt,
 - (iii) one member elected to such council for one of the wards of Medora and Wood, Medora North or Wood South.

Method of
election of
District
Council in
1970

(2) In the year 1970, the committee for each area municipality established by subsection 10 of section 3 shall meet on or before the 12th day of October, 1970 and shall elect the number of members to the District Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1970, 1971 and 1972.

Biennial
election of
District
Council

(3) In the year 1973 and in every second year thereafter the council of each area municipality shall at its first meeting in each such year elect its members to the District Council.

Election of
chairman

9.—(1) The chairman of the District Council, who may be a member of the District Council or any other person, shall be elected by the District Council and shall hold office for the term of the District Council.

Appoint-
ment of
chairman
for first
meeting

(2) The chairman for the first meeting of the District Council shall be appointed by the Minister.

Failure to
elect
chairman

(3) If the District Council fails to elect a chairman at its first meeting in the year 1970 or 1973 or in any second year thereafter, the Minister may appoint a chairman to hold office during the term of the incumbent District Council.

Resignation
from area
council

(4) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant, and the council may elect another member of the council to the District Council in accordance with section 8.

First
meeting
1970

10.—(1) The first meeting of the District Council in the year 1970 shall be held on or after the 26th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the District Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any general or special Act, the first meeting of the council of each area municipality in the year 1971 and in every second year thereafter shall be held not later than the 8th day of January.

First
meeting of
District
Council

(3) The first meeting of the District Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the District Council.

(4) Subject to subsection 5, a person entitled to be a member of the District Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section. Certificate of qualification

(5) A person entitled to be a member of the first District Council in accordance with section 8 other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance, declaration of qualification

(7) No business shall be proceeded with at the first meeting of the District Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declarations of office R.S.O. 1960, c. 249

(8) The District Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11. When council deemed organized

11.—(1) Twelve members of the District Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum voting

(2) Subject to subsection 3, each member of the District Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

12.—(1) When a vacancy occurs in the office of chairman, the District Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the District Council, or any other person, to hold office for the remainder of the term of his predecessor. Vacancies, chairman

idem

(2) If the District Council fails to elect a chairman within twenty days as required by subsection 1, the Minister may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

other members

(3) When a vacancy occurs in the office of a member other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within thirty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the District Council, to hold office for the remainder of the term of his predecessor.

When seat
to become
vacant
R.S.O. 1960,
c. 249

(4) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the District Council.

Where head
of council
inca-
pacitated

(5) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the District Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the District Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration

13. Members of the District Council, including the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the District Council may determine.

Committees

14. The District Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Procedural by-laws

15. The District Council may pass by-laws for governing the proceedings of the District Council and any of its committees, the conduct of its members and the calling of meetings.

Head of Council

16.—(1) The chairman is the head of the District Council and is the chief executive officer of the District Corporation.

Chief administrative officer

(2) The District Council may by by-law appoint a chief administrative officer, who,

(a) shall have such general control and management of the administration of the government and affairs of the District Corporation and perform such duties as the District Council by by-law prescribes;

- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the District Council; and
- (d) shall receive such salary as the District Council by by-law determines.

(3) Subsection 2 of section 239 of *The Municipal Act* ^{Application of R.S.O. 1960, c. 249, s. 239} applies to a chief administrative officer appointed under subsection 2.

17. When the chairman is absent from the District Area ^{Acting chairman} or absent through illness, or refuses to act, the District Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

18.—(1) Sections 192, 193, 195, 197, 198, 253, 275, 276, ^{Application of R.S.O. 1960, c. 249} 277, 278, 279, 280, and 406a of *The Municipal Act* apply *mutatis mutandis* to the District Corporation.

(2) Sections 190, 198a, 198b, 199 and 244 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the District Council and to every local board of the District Council.

19.—(1) The District Council shall appoint a clerk, whose ^{Appointment of clerk} duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the District Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the District Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the District Council.

(2) The District Council may appoint a deputy clerk who ^{Deputy clerk} shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk, first
meeting

(4) The chairman appointed under subsection 2 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the District Council in the year 1970 and thereafter until the District Council appoints a clerk or an acting clerk under this section.

Minutes
open to
inspection

20.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the District Corporation made to the District Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the District Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the District Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the District Council that affect land or the use thereof in the District Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the District Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

21.—(1) The District Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the District Corporation and preserve and file all accounts of the District Corporation and perform such other duties as may be assigned to him by the District Council.

Deputy
treasurer

(2) The District Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting treasurer *pro*

tempore who shall have all the powers and duties of the treasurer.

22.—(1) The treasurer shall receive and safely keep all money of the District Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the District Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the District Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized.

(2) Notwithstanding subsection 1, the District Council may by by-law, ^{Signing of cheques}

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The District Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide.

(4) Except where otherwise expressly provided by this Act, a member of the District Council shall not receive any money from the treasurer for any work or service performed or to be performed. ^{When member may be paid}

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the District Council, unless another disposition of it is expressly provided for by statute. ^{Treasurer's liability limited}

23. Subject to subsection 3 of section 22, the treasurer shall, ^{Bank accounts}

- (a) open an account or accounts in the name of the District Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the District Council;
- (b) deposit all money received by him on account of the District Corporation, and no other money, to the

credit of such account or accounts, and no other account; and

- (c) keep the money of the District Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 22, the District Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

24.—(1) The treasurer shall prepare and submit to the District Council, monthly, a statement of the money at the credit of the District Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the District Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

25.—(1) The District Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the District Council and the auditor or auditors so appointed shall audit the accounts and transactions of the District Corporation and of every local board of the District Corporation.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the District Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the District Corporation who is or during the preceding year was a member of the District Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the District Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the District Council or any local board of the District Corporation that do not conflict with the duties prescribed by the Department.

(5) The District Council may provide that all accounts shall be audited before payment. Audit of accounts before payment

26.—(1) Sections 217, 223, 223a, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248c and paragraphs 58, 59, 60, 61 and 62 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation. Application of R.S.O. 1960, c. 249

(2) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the District Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System. Pensions

(3) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan. Idem

(4) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the District Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the District Corporation, whereupon the District Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. Sick leave credits

(5) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall, during the first year of his employment by the District Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he Holidays

had remained in the employment of the municipality or local board thereof.

Offer of
employment

(6) The District Council shall offer to employ every person who, on the 1st day of April, 1970, is employed in any undertaking of any local municipality or local board that is assumed by the District Corporation under this Act.

Entitlement
to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970.

Application
of 1961-62,
c. 97

(8) The District Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

Offer of
employment

(9) The employees of the local municipalities and the local boards thereof within the District Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the District Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970.

Sick leave
credits

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination
of employ-
ment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Commence-
ment of
Part

27. This Part comes into force on the day this Act receives Royal Assent.

PART III

DISTRICT SEWAGE WORKS

28.—(1) In this Part,Interpre-
tation

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or ^{Idem} sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the District Council.

29.—(1) For the purpose of collecting or receiving from ^{General powers} the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the District

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the District.

Sewage
works
utilities
commission
prohibited

(2) The District Corporation shall not entrust the construction or the control and management of the district sewage works to a public utilities commission.

Construc-
tion, etc.,
of trunk
sewage
works

30. The District Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Assumption
of treat-
ment works

31.—(1) The District Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as district sewage works all treatment works operated for, by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the District Corporation.

Other
works

(2) The District Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

Idem

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Extension
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

District
liability

(5) Where the District Corporation assumes a work or watercourse vested in an area municipality or local board,

- (a) no compensation or damages shall be payable to the area municipality or local board;
- (b) the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this

clause requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1960, c. 223

(6) If the District Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of doubts

32.—(1) Where any local municipality or a local board thereof within the District Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing agreements

(2) Where any local municipality or a local board thereof within the District Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Idem

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the District Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. Termination

33.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the District Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the District Council. Powers of area municipalities restricted

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the District Council.

Regulation
of system

34. The District Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the District Area an adequate system of sewage and land drainage disposal.

Special
benefit

35.—(1) Where, in the opinion of the District Council, an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the District Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the District Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Debt
payments

(2) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the District Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the District Corporation for the purposes of the area municipality.

Raising of
money by
area municipalityR.S.O. 1960,
c. 249

(3) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

36.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a district work or watercourse without the approval of the District Council. ^{Connecting to district works}

(2) The District Corporation may enter into a contract with any local, district or regional municipality outside the District Area to receive and dispose of sewage and land drainage from such municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. ^{Agreements with other municipalities}

(3) Any engineer or other officer of the District Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the district work or watercourse. ^{Inspection}

37.—(1) The District Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a district work or watercourse, and every area municipality and local board shall conform to such by-laws. ^{Standards for local systems}

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a district work or watercourse without the approval of the District Council. ^{Approval of local extensions, etc.}

38. If the council of an area municipality considers itself aggrieved by the refusal of the District Corporation or the District Council, ^{Appeals}

- (a) to assume as a district work any local work;
- (b) to construct, extend or improve any district work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any district work,

the council may appeal to the Municipal Board, which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.

Special
sewage
service
rates

39.—(1) The District Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any district work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the District Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the District Council.

Raising of
money by
area muni-
cipality
R.S.O. 1960,
c. 249

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Contribu-
tion to costs
of separa-
tion of
combined
sewers

40. The District Council may contribute moneys, out of the fund established under subsection 3 of section 111, toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1970, such amount as it deems proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

Transfer
of rights
over works
assumed

41. The District Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the District Corporation and the District Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection
of local
works

42. Any person authorized by the District Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Use of
district
works

43. Any works assumed by the District Corporation under section 31 together with any extensions or additions thereto constructed by the District Corporation, may be used by

the District Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 36, from any local or district municipality outside the District Area.

44. This Part comes into force on the day this Act receives Royal Assent. Commence-
ment of
Part

PART IV

HIGHWAYS

45. In this Part, Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

46.—(1) The District Council shall pass a by-law establishing a district road system and designating the roads to be included therein as district roads, and such by-law shall be submitted to the Minister not later than the 30th day of June, 1971. By-laws
establishing
district road
system by
June 30,
1971

(2) Notwithstanding subsection 10, the by-law passed under subsection 1, as approved by the Lieutenant Governor in Council, shall be effective on the 1st day of January, 1972. By-law
effective
Jan. 1, 1972

(3) The District Council may by by-law from time to time add roads to or remove roads from the district road system, including such boundary line roads or portions thereof between the District Area and an adjoining municipality as may be agreed upon between the District Council and the council of the adjoining municipality. Adding
or removing
roads by
by-law

(4) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the District Area to the District Corporation and the highway shall for all purposes be deemed to be part Transfer of
provincial
highway to
District
Corporation

of the district road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.
 R.S.O. 1960,
 c. 171

Vesting of
 roads in
 District
 Corporation

(5) Every road or part thereof that forms part of the district road system and the jurisdiction and control and the soil and freehold thereof are vested in the District Corporation.

Removal of
 roads from
 the district
 road system

(6) The Lieutenant Governor in Council may remove any road from the district road system.

Roads
 removed
 from district
 road system

(7) Where a road or a part thereof is removed from the district road system, except by reason of it being stopped-up pursuant to section 57, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the District Corporation in respect of such road.

Status of
 land
 acquired for
 widening
 district road

(8) Notwithstanding subsection 10, where the District Corporation acquires land for the purpose of widening a district road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the district road system.

Consolidat-
 ing by-laws

(9) The District Council shall, on or before the 1st day of May, 1977, pass a by-law consolidating all by-laws relating to the district road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of
 by-laws by
 Lieutenant
 Governor in
 Council

(10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the District Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Plan of
 construct-
 tion and
 maintenance

47.—(1) The District Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

(2) The District Corporation shall submit a by-law covering the estimated expenditure on the district road system for the calendar year to the Minister for his approval, not later than the 31st day of March of the year in which the expenditure is to be made. ^{Submission of by-law covering estimated expenditure}

(3) The District Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on the district road system supplementing the by-law submitted under subsection 2. ^{Supplementary by-law}

(4) No grant shall be made toward work undertaken by the District Corporation that has not been provided for by a by-law duly approved by the Minister. ^{Limit to grant}

48. Where the District Corporation proposes the construction, improvement or alteration of a district road, it shall furnish the Minister with such detailed information as he may require. ^{Information to Minister}

49.—(1) The District Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister, ^{Annual statement to Minister}

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 69 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the District Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the District Council.

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the District Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. ^{Payment to District Corporation}

Advance
payments

(3) Notwithstanding subsection 2 but subject to section 47, the Minister may, in his discretion, direct payment to the District Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment for
road
improvement

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the district road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the District Corporation, direct payment to the treasurer of the District Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Contribu-
tion towards
expenditures

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Expendi-
tures for
construction,
maintenance
or repair

50. The roads included in the district road system shall be maintained and kept in repair by the District Corporation, and in all cases the Minister shall determine the amount of expenditure that is properly chargeable to road improvement, and his decision is final.

Powers over
roads in
district
road system

51. The District Corporation has, in respect of the roads included in the district road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the district road system, and the District Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the district road system.

52.—(1) The District Corporation is not by reason of a road forming part of the district road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the district road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1960,
c. 249

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a district road, and the District Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the District Council.

Area municipalities
may
construct
sidewalks,
etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a district road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost
provided

R.S.O. 1960,
c. 223

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a district road shall conform to any requirements or conditions imposed by the District Council, and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipalities
to conform to
requirements
and be
responsible
for damages

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a district road by the council of a township.

R.S.O. 1960,
c. 171, s. 100,
subs. 4, not
to apply

53.—(1) The District Corporation may construct, install, maintain, or remove any works on a highway, other than a road under the jurisdiction and control of the Department, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the district road system.

Installation
of traffic
control
devices

(2) The District Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a road in the district road system.

Relocation
of inter-
secting
roads

- Idem (3) Where, in relocating, altering or diverting a public road under subsection 2, the District Corporation constructs a new road in lieu of the public road, the District Corporation may close the public road at the point of intersection with the district road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.
- Construction of storm sewer, etc., on area municipality road (4) Where the District Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.
- R.S.O. 1960, c. 223
- Intersection of other roads by district roads **54.** Where a district road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the district road to its full width across the road so intersected is a part of the district road system.
- Dedication of lands abutting regional roads for widening purposes **55.** When land abutting on a district road is dedicated for, or apparently for, widening the district road, the land so dedicated is part of the district road and the jurisdiction and control and the soil and freehold thereof is vested in the District Corporation subject to any rights in the soil reserved by the person who dedicated the land.
- New roads **56.** The District Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 46 by adding such new roads to the district road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.
- R.S.O. 1960, c. 249
- Powers and liabilities of District Corporation **57.** With respect to the roads in the district road system and the regulation of traffic thereon, the District Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.
- R.S.O. 1960, cc. 249, 172
- Erection of gasoline pump and advertising device near district road **58.**—(1) The District Council may by by-law prohibit or regulate the placing or erecting of,
- (a) any gasoline pump within 150 feet of any limit of a district road;
 - (b) any sign, notice or advertising device within one-quarter mile of any limit of a district road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. Permits.....

59.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the District Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic
R.S.O. 1960,
c. 172

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the District Council, and the District Council may delegate any of its powers in respect of the operation of such devices to an officer of the District Corporation designated in the by-law. Signal-light devices

(3) The District Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution toward cost of signal-lights

(4) Subject to *The Highway Traffic Act*, the District Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a district road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within 100 ft. of district roads

60. The District Council may by by-law authorize agreements between the District Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. Agreement for pedestrian walks

61.—(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the District Area and an adjoining municipality where such bridge or highway is included in the district road system and in the road system of the municipality. Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1960,
c. 249

Idem

(2) When there is a difference between the District Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the District Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the District Corporation or the corporation of the municipality.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the District Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
R.S.O. 1960,
c. 249

62. Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system.

Idem

63. Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the District Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system.

Restrictions

64.—(1) The District Council has, with respect to all land lying within a distance of 150 feet from any limit of a district road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

R.S.O. 1960,
c. 296

(2) In the event of conflict between a by-law passed under subsection 1 by the District Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the District Council prevails to the extent of such conflict. ^{Conflict with local by-law}

65.—(1) The District Council may by by-law designate any road in the district road system, or any portion thereof, as a controlled-access road. ^{Controlled-access roads}

(2) Subject to the approval of the Municipal Board, the District Council may by by-law close any municipal road that intersects or runs into a district controlled-access road. ^{Closing municipal roads}

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the District Corporation within such time as the Municipal Board shall direct. ^{Notice of application for approval for closing road}

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions, ^{Order of O.M.B.}

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the District Corporation may do all such acts as may be necessary to close the road in respect of which the application is made. ^{Closing road}

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the District Corporation discontinues its application or, having ^{Idem}

obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the District Corporation it considers proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal appeal to that court from any order of the Municipal Board approving the closing of such road, and the District Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to
appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and
procedure
on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960,
c. 274, s. 95
not to
apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private
roads, etc.,
opening
upon con-
trolled-
access roads

66.—(1) Subject to the approval of the Municipal Board, the District Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a district controlled-access road.

Notice

(2) The District Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure, or facility constructed or used as a means of access to a district controlled-access road in contravention of a by-law passed under subsection 1.

Service
of notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

Failure to
comply with
notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the District Council may by resolution direct any officer, employee or agent of the District Corporation to enter upon the land of such person and do or cause to

be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given ^{Offence} under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(6) Where a notice given under subsection 2 has been ^{Compensation} complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a district controlled-access road was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a district controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1 in which case the making of compensation is subject to any provisions of such by-law.

67.—(1) Where the District Corporation adds to the ^{District liability when road added} district road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested.

(2) Where a road has been added to the district road ^{Idem} system by a by-law passed under subsection 3 of section 46, the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of ^{R.S.O. 1960, c. 223} a local improvement work.

(3) If the District Corporation fails to make any payment ^{Default} as required by subsection 2, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the district road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping up
highways

68.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall notify by registered mail the District Corporation of its intention.

Agreement

(2) If the District Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the District Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
district
roads
engineer
1968-69,
c. 99

69. The District Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act, 1968-69*, to administer and manage the district road system.

Applica-
tion of
R.S.O. 1960,
c. 171

70. Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the district road system.

Commence-
ment of
Part

71. This Part comes into force on the day this Act receives Royal Assent.

PART V

PLANNING

Planning
area

R.S.O. 1960,
c. 296

72.—(1) On and after the 1st day of January, 1971, the District Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Muskoka Planning Area.

Designated
muni-
cipality

(2) The District Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Muskoka Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Muskoka Planning Area, together with the boards thereof, are hereby dissolved on the 31st day of December, 1970.

(4) Each area municipality is constituted a subsidiary ^{Area municipalities} planning area effective the 1st day of January, 1971, and the council may establish a planning board for the area municipality in accordance with *The Planning Act* otherwise the council shall be the planning board.

(5) Nothing in subsections 3 and 4 affects any official plan ^{Proviso} in effect in any part of the District Area.

(6) When the Minister has approved an official plan adopted ^{Effect of official plan} by the District Council,

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor ^{R.S.O. 1960, c. 296} thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith;

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

73.—(1) The District Council shall investigate and survey ^{Planning duties of District Council} the physical, social and economic conditions in relation to the development of the Muskoka Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Muskoka Planning Area, and without limiting the generality of the foregoing it shall,

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Muskoka Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Muskoka Planning Area in determining the solution of problems or matters affecting the development of the Muskoka Planning Area; and

(c) consult with any local board having jurisdiction within the Muskoka Planning Area.

(2) The District Council before the 31st day of December, ^{Official plan} 1974, shall prepare, adopt and forward to the Minister for approval an official plan for the District Area, and the council of each area municipality shall within two years thereafter adopt and forward to the Minister for approval an official plan for the area municipality.

Planning
staff

(3) The District Council shall appoint such planning staff as may be considered necessary.

Advisory
committee

(4) The District Council and the council of any area municipality may each appoint such advisory planning committees as it considers necessary.

District
Corporation
deemed
municipality under
R.S.O. 1960,
c. 296

(5) Subject to this Part, the District Corporation shall be deemed to be a municipality and the District Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12a, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*.

Idem

(6) The District Council shall be deemed to be a county for the purposes of clause *d* of subsection 1 and clause *b* of subsection 3 of section 26 and section 31a of *The Planning Act*.

Agreements
re plans
of sub-
division

(7) The District Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(8) The District Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Muskoka Planning Area or any part thereof.

Delegation
of Minister's
powers

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the District Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of adjust-
ment

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the Muskoka Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 32a of *The Planning Act*.

Application
of
R.S.O. 1960,
c. 296

74. Except as provided in this Part, the provisions of *The Planning Act* apply.

Commence-
ment of
Part

75. This Part comes into force on the day this Act receives Royal Assent.

PART VI

HEALTH AND WELFARE SERVICES

76.—(1) The District Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants; and no area municipality has any liability under such provisions.

Liability for hospitalization of indigents
R.S.O. 1960, cc. 322, 305

(2) The District Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the District Area was liable because the indigent person was a resident of such local municipality.

Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971.

Proviso

(4) The 1971 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, for the purposes mentioned in such section 8a in the year 1970 and shall be paid to the District Corporation.

Hospitalization grant 1971 under R.S.O. 1960, c. 259

77. The District Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the District Area and may issue debentures therefor.

Aid to hospitals

78. On and after the 1st day of January, 1971, the District Area shall continue to be part of the health unit established under *The Public Health Act* known as the Muskoka-Parry Sound Health Unit.

District Area part of Muskoka-Parry Sound Health Unit
R.S.O. 1960, c. 321

79. The representation of the District Area on the board of health of the Muskoka-Parry Sound Health Unit shall comprise one member of the council of each area municipality, who is also a member of the District Council, appointed by the District Council.

Representation on board of health

80.—(1) For the purposes of the following Acts, the District Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

District Corporation deemed city under 1967, c. 3,
R.S.O. 1960, cc. 236, 359, 425

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

District
Corporation
deemed
county
under 1966,
c. 37
R.S.O. 1960,
cc. 164, 173

(2) For the purposes of the following Acts, the District Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act, 1966.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability
respecting
homes for
the aged
R.S.O. 1960,
c. 174

81.—(1) The District Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the District Council.

Dissolution
of Board of
Manage-
ment,
district
home vested
in District
Corporation

82.—(1) On the 1st day of January, 1971, the District of Muskoka Homes for the Aged Board of Management is hereby dissolved and all the assets and liabilities thereof, including the home for the aged known as The Pines and all real and personal property used for the purposes of such home are vested in the District Corporation, and no compensation or damages shall be payable to such Board of Management in respect thereof.

Residents of
Nipissing
Home for
the Aged

(2) The District Corporation shall pay to the Board of Management of Nipissing Home for the Aged the cost of maintenance in the Nipissing Home for the Aged, incurred after the 31st day of December, 1970, of every resident of that home who was admitted thereto due to residence in an area that becomes part of any area municipality.

Amount of
maintenance
payment

(3) The amount payable by the District Corporation under subsection 2 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

83. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act, 1965* and the District Corporation shall be deemed to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. District Corporation deemed county under 1965, c. 14

84. The District Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred

85. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the District Corporation, and the sums of money required to be paid under such order shall be paid by the District Corporation and not by the area municipality. Liability under order made under R.S.C. 1952, c. 160

86. Every area municipality and every officer or employee thereof shall, at the request of the officers of the District Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

87. In the event that there is any doubt as to whether the District Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. Adjustments

88. The District Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. Grants to approved corporations under 1966, c. 65

89. This Part comes into force on the 1st day of January, 1971. Commencement of Part

PART VII

POLICE

90.—(1) On and after the 1st day of January, 1971, *The Police Act*, except section 59, and sections 352 and 353 of *The Municipal Act* do not apply to any area municipality. Application of R.S.O. 1960, cc. 298, 249

(2) The District Corporation shall be deemed to be a municipality for the purposes of section 59 of *The Police Act*. District Corporation deemed municipality for R.S.O. 1960, c. 298, s. 59

Application to Town of Gravenhurst (3) On and after the 9th day of May, 1970, *The Police Act*, except section 59, and sections 352 and 353 of *The Municipal Act* do not apply to the Town of Gravenhurst.

O.P.P. to undertake police functions in District Area **91.** All police functions, other than the enforcement of by-laws of the District Council or of the council of any area municipality, shall, on and after the 1st day of January, 1971, be undertaken by the Ontario Provincial Police in the District Area.

O.P.P. to undertake police functions in 1970 in Town of Gravenhurst **92.** All police functions, other than the enforcement of municipal by-laws shall, on and after the 9th day of May, 1970, be undertaken by the Ontario Provincial Police in the Town of Gravenhurst.

Liaison Committee **93.** The District Council shall establish a committee of seven persons consisting of the chairman and one representative from the council of each area municipality to be known as the Muskoka District Police Liaison Committee which shall meet at monthly intervals with the representatives of the Ontario Provincial Police to discuss police matters within the District Area.

Application of s. 26 **94.** The provisions of subsections 9 to 12 of section 26 apply to every member of the police forces of the towns of Bracebridge, Gravenhurst and Huntsville.

Commencement of Part **95.** This Part comes into force on the day this Act receives Royal Assent.

PART VIII

FINANCES

Interpretation **96.** In this Part,
(a) "merged area" means any area so designated by the Minister for the purposes of this Part;

1968-69, c. 6 (b) "rateable property" includes business and other assessment made under *The Assessment Act, 1968-69*.

Investment of money not immediately required R.S.O. 1960, c. 249 **97.** Section 302 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation.

YEARLY ESTIMATES AND LEVIES

Yearly estimates **98.—**(1) The District Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the District Corporation including the sums

required by law to be provided by the District Council for any local board of the District Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve. Allowance to be made in estimates

99.—(1) The District Council in each year shall levy against the area municipalities a sum sufficient, Levy on area municipalities

(a) for payment of the estimated current annual expenditures as adopted; and

(b) for payment of all debts of the District Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the District Corporation is liable under this Act.

(2) The District Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality. Apportionment

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the District Area, according to the last revised assessment rolls. Idem

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities. Equalized assessment

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister. When subs. 4 ceases to apply

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the District Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality. Copy to District Corporation and area municipality

Appeal

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

Idem

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the District Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the District Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the District Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the District Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed assess-
ments, etc.,
not to apply

1968-69,
c. 6

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act, 1968-69* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of district levies are paid by the Crown in right of Canada or any province or any board

commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

(12) The clerk of each area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the District Corporation of the revised and equalized valuations. ^{Valuation of properties}

(13) One by-law or several by-laws for making the levies may be passed as the District Council may deem expedient. ^{Levy by-laws}

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act, 1968-69*, in each area municipality the district levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. ^{District levy 1968-69, c. 6.}

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the District Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the District Corporation at the times and in the amounts specified by the by-law of the District Council mentioned in subsection 2. ^{Payment}

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. ^{Default}

100. In sections 101 and 103,

(a) "commercial assessment" means the total of,

^{Residential and commercial assessment defined}

- (i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and

- (ii) the business assessment, and

- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act, 1968-69*,

1968-69,
c. 6

according to the last revised assessment roll;

- (b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

Rates

R.S.O. 1960,
c. 249

101.—(1) The council of each area municipality shall levy, as provided by this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for the District Corporation or any board, commission or other body, but not the sums required to be levied under section 103 of this Act.

Equalization
of assess-
ment of
merged areas

(2) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Notice

(3) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 4, the Department shall notify the area municipality of the revised and equalized assessment.

Levy on
commercial
assessment

(4) The amount to be raised by an area municipality in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Levy on
residential
assessment

(5) The amount to be raised by an area municipality in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by

the Department under subsection 4, reduced by the sum equal to the estimated revenue from payments to be received in that year by the municipality under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1960,
c. 259

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of each area municipality in the following manner:

Apportion-
ment among
merged areas

1. The amount, as ascertained in accordance with subsection 4, to be raised by the area municipality in each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Commercial

2. The amount, as ascertained in accordance with subsection 5, to be raised by the area municipality in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Residential

(7) The council of the area municipality shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6.

Levy on
commercial
assessment
in merged
areas

(8) The council of the area municipality shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6.

Levy on
residential
assessment
in merged
areas

(9) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 99.

When
provisions
cease to
apply

102.—(1) Notwithstanding section 99, in the year 1971 the District Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the District Area in the year 1970 for

Levy by
District
Council
before
estimates
adopted

general municipal purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 99, and subsections 15 and 16 of section 99, apply to such a levy.

Idem

(2) Notwithstanding section 99, in the year 1972 and in each subsequent year the District Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the District Council in the preceding year against that area municipality and subsections 15 and 16 of section 99 apply to such a levy.

Levy under
s. 99 to be
reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 99.

Levy by area
municipality
before
estimates
adopted

(4) Notwithstanding section 101, until the date determined by the Minister under subsection 5 of section 99, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business
assessment

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 101, until the date determined by the Minister under subsection 5 of section 99 may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy made
under s. 101
to be
reduced

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 101.

Application
of R.S.O.
1960, c. 249
section 294a,
subs. 3

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 99. R.S.O. 1960, c. 249
section 294a
not to apply

103.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area. Rates under
R.S.O. 1960,
c. 368

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 101. Rates for
public school
purposes on
commercial
assessment
R.S.O. 1960,
c. 361

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 101. Rates for
public school
purposes on
residential
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 101. Rates for
secondary
school
purposes on
commercial
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 4 of section 101. Rates for
secondary
school pur-
poses on
residential
assessment
R.S.O. 1960,
c. 361

Regulations
under R.S.O.
1960 c. 362
to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act* the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 99.

Transitional
adjustments

104. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection.

Allowances
to be made
in estimates
of area
municipalities in
1971
R.S.O. 1960,
c. 249

105.—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged
areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971 comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971 comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

ADJUSTMENTS

Interpreta-
tion

106.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971. Surplus or deficit at December 31, 1970, to be applied to supporting assessment

(3) The audited surplus or operating deficit of a local roads board or statute labour board at the 31st day of December, 1970 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971. Idem

(4) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality, he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years. Adjustments may be spread over five years by order

107.—(1) The Minister may, on or before the 1st day of September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of McLean, the Township of Medora and Wood, the Township of Monck and the Township of Muskoka. Arbitration

(2) Each committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint. Idem

(3) Before the 31st day of December, 1970, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971. Provisional determination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary. Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council Idem

of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1960,
c. 249

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial
hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

Documents
and records
of divided
municipalities

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

Interpreta-
tion

108.—(1) In this section,

(a) “cost” includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchases of them;

(b) “urban service” means,

- (i) the collection and disposal of sewage and land drainage, or
- (ii) the collection and removal of ashes or garbage or other refuse, or
- (iii) street lighting, or
- (iv) the provision and distribution of an adequate supply of water.

(2) The council of each area municipality shall, with the approval of the Municipal Board, by by-law designate the areas in which an urban service is or is to be provided by the area municipality.

(3) The aggregate amount of the sums necessary in each year to pay the cost of an urban service in a designated area, including the area municipalities' portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the area municipality lying outside the designated area.

RESERVE FUNDS

109.—(1) Reserve funds established by local municipalities for purposes for which the District Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the District Corporation and the assets of such reserve funds are vested in the District Corporation.

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the District Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part, and the assets of such reserve funds are vested in such area municipality.

110.—(1) The District Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the District Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Auditor to report on reserve funds	(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.
Planning fund	111. —(1) The District Council shall establish and maintain a planning fund.
Purpose of fund	(2) The moneys in the fund established under subsection 1 may be used only to defray the costs of the District Council in exercising its powers under Part V.
Pollution control fund	(3) The District Council shall establish and maintain a pollution control fund and shall contribute to such fund, in each year, the sum equivalent to a sum calculated at one quarter of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 99.
Purpose of fund	(4) The moneys in the fund established under subsection 3 may be used only to defray the costs of the District Council in exercising its powers under Part III and for pollution control measures undertaken in the District Area, which measures are in addition to the normal pollution control measures being undertaken by the Muskoka-Parry Sound Health Unit.
Cost of District Council under Part III	(5) None of the costs of the District Council in exercising its powers under Part III shall form part of the levy under section 99 except as provided in subsection 4.
Investments and income	(6) The moneys raised for each of the funds established under this section shall be paid into special accounts and may be invested in such securities as a trustee may invest in under <i>The Trustee Act</i> , and the earnings derived from the investment of such moneys for each fund form part of that fund.
R.S.O. 1960, c. 408	
Expenditure of fund moneys	(7) The moneys raised for each fund established under this section shall not, without the approval of the Department, be expended, pledged or applied to any purpose other than that for which the fund was established.
Auditor to report on funds	(8) The auditor in his annual report shall report on the activities and position of each fund established under this section in the form prescribed by the Department.

SPECIAL PROVINCIAL ASSISTANCE

Special contributions	112. —(1) The following contributions, in each of the years 1971, 1972, 1973, 1974 and 1975, to the expenditures of the District Corporation shall be paid out of the Consolidated Revenue Fund,
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- (a) an amount of \$150,000, to be known as the Environmental Development Grant, of which \$50,000 shall be paid into the fund established under subsection 1 of section 111 and \$100,000 into the fund established under subsection 3 of section 111; and
- (b) an amount of \$50,000 to defray part of the cost of administrative expenditures of the District Council.

TEMPORARY LOANS

113.—(1) The District Council may by by-law, either ^{Current borrowings} before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the District Council may deem necessary to meet, until the levies are received, the current expenditures of the District Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the District Corporation and the sums required by law to be provided by the District Council for any local board of the District Corporation.

(2) The amount that may be borrowed at any one time ^{Limit upon borrowings} for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the District Corporation as set forth in the estimates adopted for the year.

(3) Until such estimates are adopted, the limitation upon ^{Temporary application of estimates of preceding year} borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the District Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

(4) The lender is not bound to establish the necessity of ^{Protection of lender} borrowing the sum lent or to see to its application.

(5) Any promissory note made under the authority of this section shall be sealed with the seal of the District Corporation and signed by the chairman or by some other ^{Execution of promissory notes} person authorized by by-law to sign it, and by the treasurer and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of
charge

(6) The District Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the District Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of
agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalties for
excess
borrowings

(8) If the District Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for
misapplica-
tion of
revenues by
District
Council

(9) If the District Council authorizes the application of any revenues of the District Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for
misapplica-
tion of
revenues by
officials

(10) If any member of the District Council or officer of the District Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving as to
penalties

(11) Subsections 8, 9 and 10 do not apply to the District Council or any member of the District Council or officer of the District Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the District Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1960,
c. 98

DEBT

Debt

R.S.O. 1960,
c. 274

114.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Council may borrow money for the purposes of,

(a) the District Corporation;

- (b) any area municipality;
- (c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the District Corporation.

(2) All debentures issued pursuant to a by-law passed by the District Council under the authority of this Act are direct, joint and several obligations of the District Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the District Corporation and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1970, power to issue debentures.

(4) When an area municipality, prior to the 31st day of December, 1970,

- (a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and
- (b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

R.S.O. 1960,
c. 274

the District Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the District Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 117, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the District Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*.

Bonds,
debentures,
etc., trustee
investments
R.S.O. 1960,
c. 408

Power to
incur debt
or issue
debentures
R.S.O. 1960,
c. 274

115.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 114 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the District Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the District Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the District Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Hearing

116.—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the District Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

Notice

(2) Notice of the hearing shall be given to the clerk of the District Corporation and to the clerk of each area municipality in such manner as the Municipal Board may direct.

Dispensation
with
hearing

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.

Idem

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the District Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.

Borrowing
pending
issue and
sale of
debentures

117.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for its purposes, the District Council

pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow- Idem
ing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The District Corporation may charge interest on any Interest on
proceeds
transferred
proceeds of an advance or loan transferred under subsection 2 at a rate sufficient to reimburse it for the cost of such advance or loan.

(4) The proceeds of every advance or loan under this sec- Application
of proceeds
of loan
tion shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 129, shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture Hypotheca-
tion not to
prevent sub-
sequent sale
of debentures
hypothecated does not prevent the subsequent sale thereof.

118.—(1) Subject to subsection 2, a money by-law for the Principal
and interest
payments
issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

(2) A money by-law for the issuing of debentures may Sinking fund
debentures
provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case

debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy against area municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the District Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by area municipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levies a debt

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the District Corporation.

By-law to change mode of issuing debentures

(8) The District Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* and where any debentures issued under the by-law have been sold, pledged or hypothecated by the District Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures when to be dated and issued

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number

of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the District Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(10) All the debentures shall bear the same date, except ^{Date of debentures} where they are issued in sets in which case every debenture of the same set shall bear the same date.

(11) Notwithstanding the provisions of the by-law, the ^{Idem} debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(12) The Municipal Board, on the application of the ^{Extension of time for issue} District Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(13) The extension may be made although the application ^{Application after time expired} is not made until after the expiration of the two years or of the time provided for the issue of the set.

(14) Unless the by-law names a later day when it is to take ^{Effective date} effect, it takes effect on the day of its passing.

(15) Notwithstanding any general or special Act, the Dis- ^{Consolidation} trict Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation. ^{Consolidating debenture by-laws R.S.O. 1960, c. 249}

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the District Corporation on any date prior to maturity, subject to the following provisions: ^{Redemption before maturity}

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and

the amount at which such debenture may be so redeemed.

2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice in intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the District Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council in respect of the debenture so redeemed.

Currency

(18) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
or
- (b) in lawful money of the United States of America and payable in the United States of America; or

(c) in lawful money of Great Britain and payable in Great Britain.

(19) Where, under the provisions of the by-law, debentures^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the District Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(20) When sinking fund debentures are issued, the amount^{Principal levies} of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding $3\frac{1}{2}$ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(21) When sinking fund debentures are issued, the sinking^{Consolidated bank accounts} committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the District Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(22) When sinking fund debentures are issued, there shall^{Sinking fund committee} be a sinking fund committee that shall be composed of the treasurer of the District Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the District Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

(23) The Lieutenant Governor in Council may appoint an^{Alternate members} alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(24) The treasurer of the District Corporation shall be the^{Chairman} chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

Security (25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the District Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.

R.S.O. 1960,
c. 249

Quorum (26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.

Control of
sinking fund
assets

(27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.

Withdrawals
from bank
accounts

(28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.

Investments

(29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.

Idem

(30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,

R.S.O. 1960,
c. 408

(a) in securities in which a trustee may invest under *The Trustee Act*;

(b) in debentures of the District Corporation;

(c) in temporary advances to the District Corporation pending the issue and sale of any debentures of the District Corporation;

(d) in temporary loans to the District Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.

Deposit of
securities
with Treas-
urer of
Ontario

(31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.

Release of
securities by
Treasurer
of Ontario

(32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under

subsection 31 only upon the direction in writing of the sinking fund committee.

(33) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. ^{Sinking fund accounts}

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by, ^{Earnings credited to sinking fund account}

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

(35) The treasurer of the District Corporation shall prepare and lay before the District Council in each year, before the annual district levies are made, a statement showing the sums that the District Council will be required, by by-law, to raise for sinking funds in that year. ^{Sinking fund requirements}

(36) If the treasurer of the District Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. ^{Offence}

(37) If the District Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the District Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. ^{Failure to levy}

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or ^{Where amount in sinking fund account more than sufficient to pay debt}

by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the District Council or the council of an area municipality, may authorize the District Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the District Corporation or otherwise than is provided in this section.

Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the District Corporation or of an area municipality,
 - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the District Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the District Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the District Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40.

119.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the District Council to pass a by-law to amend such by-law so as to provide for, When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 117 shall not constitute a sale or other disposal thereof. Hypothecation not a sale under this section

(3) The District Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder. Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council. Special assessment and levies

120.—(1) Where part only of a sum of money provided for by a by-law has been raised, the District Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law when part only of money to be raised

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

121.—(1) Subject to section 120, after a debt has been contracted under a by-law, the District Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually and shall not apply to any other purpose any money of the District Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the District Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

122. Any officer of the District Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the District Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

123.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the District Corporation, in the Registry Office for the Registry Division of the Judicial District.

Application
to quash
registered
by-law,
when to be
made
R.S.O. 1960,
c. 274

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court

1962-63, c. 39
R.S.O. 1960,
c. 223

of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 115 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 118 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

124.—(1) A debenture or other like instrument shall be sealed with the seal of the District Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman or by some other person authorized by by-law of the District Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the District Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

Mechanical reproduction of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the District Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of mechanical reproduction

(4) The seal of the District Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the District Corporation.

Sufficiency of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the District Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

125. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the District Corporation, the by-law and the debentures issued under it are valid and binding upon the District Corporation.

Mode of transfer may be prescribed

126.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

 of

the treasurer (or such other person so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer. Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors. Transfer by entry in Debenture Registry Book

127. Where a debenture is defaced, lost or destroyed, the District Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide. Replacement of lost debentures

128.—(1) On request of the holder of any debenture issued by the District Corporation, the treasurer of the District Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount. Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the District Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the District Corporation. On request of sinking fund committee

(3) Any new debentures mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange. New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the District Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book Debentures surrendered for exchange to be cancelled

that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

129.—(1) The moneys received by the District Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the District Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the District Corporation or an area municipality.

Surplus

(3) Where, on the sale of any debenture, an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the District Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where, on the sale of any debentures, a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

130. Where real or personal property acquired out of moneys received by the District Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 129 or with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Use of
proceeds of
sale of
assets ac-
quired from
proceeds of
sale of
debentures

131. When the District Corporation intends to borrow money on debentures under this or any other Act, the District Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Tenders for
debentures

132.—(1) The District Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The District Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

Application
of surplus
money

133. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of
members

134.—(1) If the District Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the District Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the District Area.

Disqualifi-
cation

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

135. When, by or under the authority of this Act, the District Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the District Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the District Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the District Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the District Corporation to raise the money required to complete such purchase.

Disposal
of assets

136. After the 15th day of May in the year 1970, no local municipality shall, without the approval of the Ontario Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000.

137.—(1) This Part, except sections 107 and 136, comes into force on the 1st day of January, 1971. Commencement of Part

(2) Sections 107 and 136 come into force on the day this Act receives Royal Assent. Idem

PART IX

GENERAL

138.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a* and paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and, for the purposes of section 410 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality. Application of R.S.O. 1960, c. 249

(2) Sections 10, 11 and, subject to subsection 3 of section 2, section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the District Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Exceptions, annexations and amalgamations

(3) The District Corporation shall be deemed to be a local municipality for the purpose of paragraph 116 of subsection 1 of section 379 of *The Municipal Act*. Nuisances

(4) Notwithstanding any other provision in this Act, the District Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 1 of section 36, subsection 2 of section 37 and subsection 2 of section 52 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval and consents

(5) For the purposes of *The Construction Safety Act, 1961-62* the District Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed county for 1961-62, c. 18

(6) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971 until repealed by the council of an area municipality as it affects such area municipality. By-laws to remain in force

139.—(1) The District Council may pass by-laws, Emergency measures and civil defence

(a) for the establishment and maintenance of an emergency measures civil defence organization in the District Area; and

- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the District Area,

and when a by-law passed under this subsection is in force in the District Area any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

R.S.O. 1960,
c. 249

Powers of
District
Council

- (2) When a by-law passed under clause *a* of subsection 1 is in force, the District Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;

- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the District Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;

R.S.C. 1952,
c. 288
1962-63,
c. 41

- (d) for acquiring alternative headquarters for the District Government outside the District Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

Expendi-
tures for
diffusing
information

140. The District Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the district municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

141. The District Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 99, to institutions, associations and persons carrying on or engaged in works that in the opinion of the District Council are for the general advantage of the inhabitants of the District Area and for which grant or grants there is no express authority provided by any other Act.

Grants to persons engaged in work advantageous to District Area

142. Where, in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act*, the District Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or in the event of his death, to one or more of his dependants upon such terms and conditions as the District Corporation may impose.

Payment of damages to employees
R.S.O. 1960, c. 437

143.—(1) Where the District Council passes a resolution requesting a judge of the district court within the District Area or a judge of the county court or district court of a county or district adjoining the District Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the District Council, or an officer or employee of the District Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the District Corporation, or to inquire into or concerning any matter connected with the good government of the District Corporation or the conduct of any part of its public business, including any business conducted by a local board of the District Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall with all convenient speed, report to the District Council the result of the inquiry and the evidence taken.

Investigation by judge of charges of malfeasance

R.S.O. 1960, c. 323

(2) The judge shall be paid by the District Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge
R.S.O. 1960, c. 197

(3) The District Council may engage and pay counsel to represent the District Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the District Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

- Idem (4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the District Corporation shall pay the costs thereof.
- Commission of inquiry **144.**—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the District Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.
- R.S.O. 1960, c. 323
- When commission may issue (2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the District Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.
- Expenses of commission (3) The expenses of and incidental to the execution of the commission including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the District Corporation and the Province of Ontario as the Lieutenant Governor in Council may direct.
- Entry on highways **145.** The District Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.
- Agreements re services **146.** The District Corporation and any area municipality may enter into agreements for the use within any part of the District Area of the services of their respective officers, employees and equipment.
- Application of 1968-69, c. 6 **147.**—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act, 1968-69*, the District Corporation shall be deemed to be a municipality.
- District Corporation and area municipalities not deemed tenants (2) For the purposes of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, where property belonging to the District Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the District Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

(3) In subsection 2, "District Corporation" and "area municipality" include a local board thereof. ^{Interpretation}

148.—(1) An execution against the District Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: ^{Executions against District Corporation}

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the District Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the District Council for general purposes are apportioned among the area municipalities determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rates will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the District Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If at any time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he

shall add a column thereto, headed "Execution rate in A.B. vs The District Municipality of Muskoka" (Adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions of
clerk, etc.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Settling of
doubts

149. In the event of any doubt as to whether any particular asset or liability is vested in the District Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1960,
c. 274

Conditional
powers

150. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict
with other
Acts

151. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal
buildings

152.—(1) The District Corporation or an area municipality or the District Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and

- (b) may construct municipal buildings for the use of the District Corporation or the District Corporation and one or more area municipalities or any local board thereof.

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1960, c. 249

153. The District Corporation shall appoint a District Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the District Area and the District Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. District Fire Co-ordinator

154. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*. Recreation and parks management boards
R.S.O. 1960, cc. 94, 60

155.—(1) The District Corporation shall be deemed to be a local municipality for the purposes of paragraph 9 of section 377 of *The Municipal Act*. Deemed municipality under R.S.O. 1960, c. 249, s. 377, par. 9

(2) The District Corporation shall be deemed to be a regional municipality for the purposes of *The Tile Drainage Act* and *The Conservation Authorities Act, 1968*. Deemed regional municipality R.S.O. 1960, c. 399
1968, c. 15

156.—(1) The area municipalities of Bracebridge, Gravenhurst and Huntsville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 394 of *The Municipal Act*. Bracebridge, Gravenhurst and Huntsville deemed townships

(2) The provisions of section 245 of *The Municipal Act* do not apply in the year 1970 to any local municipality in the District Area. Application of R.S.O. 1960, c. 249, s. 245, in 1970

157.—(1) In this section, "waste" includes ashes, garbage, refuse and domestic or industrial waste of any kind. Interpretation

(2) Where an area municipality has requested the District Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the District Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. Agreement

Waste
disposal
sites

(3) For the purposes of an agreement under subsection 2, the District Corporation may acquire and use land within the District Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste.

Application
of by-law
under
R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 112

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the District Corporation.

Acquisition
of land for
waste
disposal

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*.

Existing
speed limits
continued
in 1971
R.S.O. 1960,
c. 172

158.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the District Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be deemed to continue to form part of a town, village or township municipality.

By-laws of
District
Council
and area
councils

(2) Notwithstanding subsection 1, the District Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
by-laws
under s. 59
of R.S.O.
1960, c. 172,
continued

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December 1970, to any highway or portion thereof within the District Area shall continue to apply thereto until a by-law passed by the District Council or the council of an area municipality under such section 59 applies thereto.

Gravel pit
vested in
Town of
Gravenhurst

159. The lands in the Township of Muskoka more particularly described as follows:

COMMENCING at the southeast angle of Lot 4 Concession X, Township of Muskoka, District of Muskoka.

THENCE westerly along the southerly boundary a distance of 300 feet to a point east of a road known as the Switch Road;

THENCE northerly following the easterly limit of the said Switch Road a distance of 150 feet;

THENCE northeasterly in a direct line for a distance of 500 feet more or less to a point in the easterly limit of the said Lot 4 that is distant northerly thereon 575 feet from the southeasterly angle thereof;

THENCE southerly following the easterly limit of the said Lot a distance of 575 feet to the point of commencement,

are hereby, on the 1st day of January, 1971, vested in the Town of Gravenhurst without payment of compensation and the clerk of the Town of Gravenhurst shall forthwith after this section comes into force file a copy of this section in the appropriate registry or land titles office.

160.—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*. Application of R.S.O. 1960, c. 300, s. 111

(2) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the District Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction, and the powers and duties of every such public utility commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the District Corporation as required by this Act. Powers of utilities commissions transferred to area municipality or District Corporation

(3) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the District Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area. Distribution of electrical power

(4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex-officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission. Members of commissions continued in office

(5) All public utilities commissions and waterworks commissions within the District Area except those referred to in subsection 2 are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission. Commissions dissolved

Election
R.S.O. 1960,
c. 362

161.—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*,

- (a) the polling day for the members of the Muskoka Board of Education in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the District Area; and
- (b) the nomination of candidates for the Muskoka Board of Education in the year 1970 in each municipality in which a nomination meeting is required to be held under such Act shall be on the same day and at the same time and place as the nomination of candidates for the council of such municipality,

and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply.

Determina-
tions and
appeals,
etc.

(2) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*, any reference in such section to the 1st day of September shall be deemed to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such section shall be advanced by thirty days.

Roads
boards, etc.,
dissolved

162.—(1) Every local roads board and statute labour board that has jurisdiction in the District Area is dissolved on the 1st day of January, 1971 and all the assets and liabilities of such board become on such date assets and liabilities of the area municipality in which such board had jurisdiction.

Taxes and
penalties

(2) All taxes and penalties assessed by a local roads board or statute labour board against any land which are due and unpaid on the 1st day of January, 1971 shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality.

Credits of
local roads
boards, etc.
1964, c. 56

(3) All moneys standing to the credit of a local roads board under section 31 of *The Local Roads Boards Act, 1964*, in relation to tax moneys received by the secretary-treasurer of the board up to the 1st day of January, 1971, shall be paid over by the Treasurer of Ontario to the area municipality in which the local roads board had jurisdiction.

163. The expenditures of the District Corporation during ^{Expenditures} the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund.

164.—(1) This Part comes into force on the day this Act ^{Commence-}receives Royal Assent. _{ment}

(2) Section 1 comes into force on the day this Act receives ^{Idem}Royal Assent.

165. This Act may be cited as *The District Municipality* ^{Short title} of Muskoka Act, 1970.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (*or appointed*) as chairman of the council of The District Municipality of Muskoka, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (*or appointed*) as chairman of the council of The District Municipality of Muskoka, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of twenty-one years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The District Municipality of Muskoka or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

An Act to establish The District
Municipality of Muskoka

1st Reading

May 7th, 1970

2nd Reading

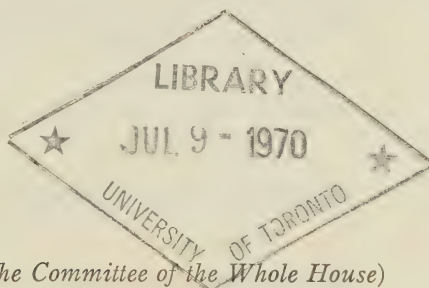
3rd Reading

MR. McKEOUGH

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to establish The District Municipality of Muskoka

MR. McKEOUGH



(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The Bill provides for the formation of six area municipalities by the amalgamation and annexation of the 25 local municipalities and three geographic townships in the District of Muskoka together with a portion of the geographic township of Finlayson in the District of Nipissing and for the incorporation of The District Municipality of Muskoka.

The Bill is divided into nine Parts:

- Part I — Area municipalities
- Part II — Incorporation and Council of District Area
- Part III — District Sewage Works
- Part IV — District Road System
- Part V — Planning
- Part VI — Health and Welfare Services
- Part VII — Police
- Part VIII — Finances
- Part IX — General

BILL 80

1970

An Act to establish The District Municipality of Muskoka

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—In this Act,

Interpre-
tation

- (a) "area municipality" means the municipality or corporation of the Town of Bracebridge, the Township of Georgian Bay, the Town of Gravenhurst, the Town of Huntsville, the Township of Lake of Bays and the Township of Muskoka Lakes, all as constituted by section 2;
- (b) "bridge" means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) "chairman" means the chairman of the District Council;
- (d) "debt" includes any obligation for the payment of money;
- (e) "Department" means the Department of Municipal Affairs;
- (f) "divided municipality" means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (g) "District Area" means the area from time to time included within the area municipalities;
- (h) "District Corporation" means The District Municipality of Muskoka;

- (i) "District Council" means the council of the District Corporation;
- (j) "district road" means a road forming part of the district road system established under Part IV;
- (k) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (l) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (m) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the District Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (n) "local municipality" means in the year 1970 a local municipality and a geographic township in the District Area and the portion of the geographic township of Finlayson included in the District Area;
- (o) "Minister" means the Minister of Municipal Affairs;
- (p) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 113;
- (q) "Municipal Board" means the Ontario Municipal Board.

PART I

AREA MUNICIPALITIES

Constitution
of area
municipalities

2.—(1) On the 1st day of January, 1971,

- (a) The Corporation of the Town of Bracebridge, The Corporation of the Township of Oakley, The Corporation of the Township of Macaulay and The

Corporation of the Township of Draper are amalgamated as a town municipality bearing the name of The Corporation of the Town of Bracebridge and the portions of the Township of Monck, the Township of Muskoka, and the Township of McLean described as follows are annexed to such town:

FIRSTLY, part of the Township of Monck, commencing at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township of the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom that part of the Town of Bracebridge lying within the Corporation Boundary of the said Town;

SECONDLY, part of the Township of Muskoka, commencing at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement;

THIRDLY, part of the Township of McLean commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

- (b) The Corporation of the Township of Freeman together with the geographic township of Gibson and the geographic township of Baxter are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgian Bay;
- (c) The Corporation of the Town of Gravenhurst, The Corporation of the Township of Morrison and The Corporation of the Township of Ryde are amalgamated as a town municipality bearing the name of The Corporation of the Town of Gravenhurst and the portions of the Township of Muskoka and the Township of Wood described as follows are annexed to such town:

FIRSTLY, part of the Township of Muskoka, commencing at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly, and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Lake Muskoka;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Gravenhurst;

SECONDLY, part of the Township of Wood, commencing at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement;

- (d) The Corporation of the Town of Huntsville, The Corporation of the Village of Port Sydney, The Corporation of the Township of Brunel, The Corporation of the Township of Chaffey, The Corporation of the Township of Stisted and The Corporation of the Township of Stephenson are amalgamated as a town municipality bearing the name of The Corporation of the Town of Huntsville;
- (e) The Corporation of the Township of Franklin, The Corporation of the Township of Ridout and the geographic township of Sinclair are amalgamated as a township municipality bearing the name of The Corporation of the Township of Lake of Bays and the portions of the Township of McLean and the geographic township of Finlayson described as follows are annexed to the said Township of Lake of Bays;

FIRSTLY, part of the Township of McLean, commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

SECONDLY, part of the geographic township of Finlayson, commencing at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said Township;

THENCE westerly along the said northerly boundary to the northwest corner of the said Township;

THENCE southerly along the westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement;

- (f) The Corporation of the Town of Bala, The Corporation of the Village of Port Carling, The Corporation of the Village of Windermere, The Corporation of the Township of Cardwell and The Corporation of the Township of Watt are amalgamated as a township municipality bearing the name of The Corporation of the Township of Muskoka Lakes and the portions of the Township of Medora and Wood and the Township of Monck described as follows are annexed to such Township:

FIRSTLY, part of The Corporation of the United Townships of Medora and Wood commencing at the northwest corner of the Township of Medora;

THENCE southerly along the westerly boundary of the Township of Medora and the westerly boundary of the Township of Wood and easterly along the southerly boundary of the Township of Wood to its intersection with the production southerly of the easterly limit of the said Lot 9 Concession XX Township of Wood;

THENCE northerly to and along the eastern limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production northerly to its intersection with the easterly limit of the Township of Wood;

THENCE northerly and easterly along the boundary between the townships of Wood and Muskoka to its intersection with the boundary between the townships of Wood and Monck;

THENCE northwesterly along the boundary between the townships of Wood and Monck to its intersection with the boundary between the townships of Medora and Monck;

THENCE northerly along the boundary between the townships of Medora and Monck to its intersection with the boundary between the townships of Medora and Watt;

THENCE northerly along the boundary between the townships of Medora and Watt to the northeast corner of the Township of Medora;

THENCE westerly along the northerly boundary of the township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Port Carling and the Corporation Boundary of the Town of Bala;

SECONDLY, part of the Township of Monck, commencing at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

NOTE: *All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.*

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders

R.S.O. 1960,
cc. 274, 249

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and subject to the provisions of this Act the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers, and "municipalities" in clause a of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Wards of
area municipi-
palities;
Bracebridge

3.—(1) The area municipality of the Town of Bracebridge is divided into the following wards:

1. Bracebridge Ward — which shall comprise the area of the Town of Bracebridge as it exists on the 1st day of July, 1970.
2. Draper Ward — which shall comprise the area of the Township of Draper as it exists on the 1st day of July, 1970.
3. Macaulay Ward — which shall comprise the area of the Township of Macaulay as it exists on the 1st day of July, 1970.
4. Monck South Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between Concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° west through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township to the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Bracebridge Ward.

5. Muskoka North Ward — which shall comprise the part of the Township of Muskoka being more particularly described as follows:

COMMENCING at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement.

6. Oakley Ward — which shall comprise the area of the Township of Oakley as it exists on the 1st day of July, 1970, together with part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

Georgian
Bay

- (2) The area municipality of the Township of Georgian Bay is divided into the following wards:

1. Baxter Ward — which shall comprise the area of the geographic township of Baxter as it exists on the 1st day of July, 1970.

2. Freeman Ward — which shall comprise the area of the Township of Freeman as it exists on the 1st day of July, 1970.
3. Gibson Ward — which shall comprise the area of the geographic township of Gibson as it exists on the 1st day of July, 1970.

(3) The area municipality of the Town of Gravenhurst is ^{Gravenhurst} divided into the following wards:

1. Gravenhurst Ward — which shall comprise the area of the Town of Gravenhurst as it exists on the 1st day of July, 1970.
2. Morrison Ward — which shall comprise the area of the Township of Morrison as it exists on the 1st day of July, 1970.
3. Muskoka South Ward — which shall comprise part of the Township of Muskoka and part of the Township of Wood, being more particularly described as follows:

Part of Township of Muskoka.

COMMENCING at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka.

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly and southwesterly following the said boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Muskoka Lake;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Gravenhurst Ward;

Part of Township of Wood

COMMENCING at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood being the centre line of the Severn River to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lots 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement.

4. Ryde Ward — which shall comprise the area of the Township of Ryde as it exists on the 1st day of July, 1970.

(4) The area municipality of the Town of Huntsville is ^{Huntsville} divided into the following wards:

1. Brunel Ward — which shall comprise the area of the Township of Brunel as it exists on the 1st day of July, 1970.
2. Chaffey Ward — which shall comprise the area of the Township of Chaffey as it exists on the 1st day of July, 1970.
3. Huntsville Ward — which shall comprise the area of the Town of Huntsville as it exists on the 1st day of July, 1970.
4. Port Sydney Ward — which shall comprise the area of the Village of Port Sydney as it exists on the 1st day of July, 1970.
5. Stephenson Ward — which shall comprise the area of the Township of Stephenson as it exists on the 1st day of July, 1970.
6. Stisted Ward — which shall comprise the area of the Township of Stisted as it exists on the 1st day of July, 1970.

(5) The area municipality of the Township of Lake of Bays ^{Lake of Bays} is divided into the following wards:

1. Franklin Ward — which shall comprise the area of the Township of Franklin as it exists on the 1st day of July, 1970.
2. McLean Ward — which shall comprise part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

3. Ridout Ward — which shall comprise the area of the Township of Ridout as it exists on the 1st day of July, 1970.
4. Sinclair Ward — which shall comprise the area of the geographic township of Sinclair as it exists on the 1st day of July, 1970 and part of the geographic township of Finlayson in the District of Nipissing being more particularly described as follows:

COMMENCING at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said township of Finlayson;

THENCE westerly along the said northerly boundary to the northwest corner of the said township of Finlayson;

THENCE southerly along the westerly boundary to the southwest corner of the said township of Finlayson;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement.

Muskoka
Lakes

(6) The area municipality of the Township of Muskoka Lakes is divided into the following wards:

1. Bala Ward — which shall comprise the area of the Town of Bala as it exists on the 1st day of July, 1970.
2. Cardwell Ward — which shall comprise the area of the Township of Cardwell as it exists on the 1st day of July, 1970.

3. Medora and Wood Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at a point on the west boundary of the Township of Medora at its intersection with the production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the said road allowance and the production easterly thereof to a point in Lake Joseph measured easterly along the said production being distant 30 chains from its intersection with the production northerly of the division line between lots 16 and 17;

THENCE southeasterly through Lake Joseph along a straight line to a point on the southerly shore of its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the said road allowance to the centre line of the road allowance and its production southerly between concessions E and F;

THENCE westerly along the centre line of the road allowance between concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE southeasterly along the said connecting line to the shore of East Bay of Lake Muskoka;

THENCE southerly along the centre line of the road allowance between lots 15 and 16 to its intersection with the centre line of the road allowance between concessions IX and X for the said Township of Wood;

THENCE westerly along the centre line of the road allowance between concessions IX and X and the production westerly thereof to its intersection with the western limit for the said Township of Wood;

THENCE northerly along the western limit of the said Township of Wood and the western limit of the said Township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within Bala Ward.

4. Monck North Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

5. Port Carling Ward — which shall comprise the area of the Village of Port Carling as it exists on the 1st day of July, 1970.
6. Medora North Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at the northwest angle of the Township of Medora;

THENCE southerly along the westerly limit of the said Township to its intersection with a production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the road allowance between concessions IV and V and the production easterly thereof to a point in Lake Joseph, measured easterly along the said production and distant 30 chains from its intersection with the division line between lots 16 and 17 in Concession IV;

THENCE southeasterly through Lake Joseph on a straight line to a point on the southerly shore at its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the road allowance and its production southerly to the centre line of the road allowance between concessions E and F;

THENCE westerly along the centre line of the road allowance between the said concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE in a general northeasterly direction through Lake Muskoka following the geographical boundary between the said Township of Medora and Wood and the boundary between Medora and Monck to its intersection with the north shore of Lake Muskoka being the most southeasterly angle of the boundary of the Village of Port Carling;

THENCE northwesterly, northerly and southeasterly following the boundary of the said Village of Port Carling to a point on the shore of Lake Rosseau at its intersection with the east boundary of the Township of Medora;

THENCE in a general northerly direction through Lake Rosseau following the eastern limit of the said Township of Medora to its intersection with the northerly limit of the said Township;

THENCE westerly along the northerly limit of the said Township to the point of commencement.

7. Watt Ward—which shall comprise the area of the Township of Watt as it exists on the 1st day of July, 1970.
8. Windermere Ward—which shall comprise the area of the Village of Windermere as it exists on the 1st day of July, 1970.
9. Wood South Ward—which shall comprise part of the townships of Medora and Wood being more particularly described as follows:

COMMENCING at a point in the westerly boundary of the Township of Wood at its intersection with the production westerly of the centre line of the road allowance between concessions IX and X of the said Township;

THENCE easterly along the centre line of the said road allowance to the centre line of the road allowance between lots 15 and 16;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora, to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE southwesterly, northwesterly and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly and southerly along the division line between the townships of Muskoka and Wood to the production northerly of Lot 9 Concession VI of the Township of Wood;

THENCE southerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production to its intersection with the southerly boundary of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the westerly limit of the said Township;

THENCE northerly along the westerly limit of the said Township being the easterly limit of the Township of Baxter and the Township of Gibson to the point of commencement.

NOTE: All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.

(7) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and such other members elected in the wards in the area municipality as follows:

Ward representation on area councils

1. The Town of Bracebridge:

Bracebridge Ward.....	Three members
Draper Ward.....	One member
Macaulay Ward.....	One member
Monck South Ward.....	One member
Muskoka North Ward.....	One member
Oakley Ward.....	One member

2. The Township of Georgian Bay:

Baxter Ward.....	Two members
Freeman Ward.....	Two members
Gibson Ward.....	One member

3. The Town of Gravenhurst:

Gravenhurst Ward.....	Three members
Morrison Ward.....	Two members
Muskoka South Ward.....	Two members
Ryde Ward.....	One member

4. The Town of Huntsville:

Brunel Ward.....	One member
Chaffey Ward.....	Two members
Huntsville Ward.....	Two members
Port Sydney Ward.....	One member
Stephenson Ward.....	One member
Stisted Ward.....	One member

5. The Township of Lake of Bays:

Franklin Ward.....	Two members
McLean Ward.....	One member
Ridout Ward.....	One member
Sinclair Ward.....	One member

6. The Township of Muskoka Lakes:

Bala Ward.....	One member
Cardwell Ward.....	One member

Medora and Wood Ward	One member
Monck North Ward	One member
Port Carling Ward	One member
Medora North Ward	One member
Watt Ward	One member
Windermere Ward	One member
Wood South Ward	One member

First
elections
and terms
of office

(8) Elections for the first council of each area municipality shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972

Idem

(9) For the purposes of the elections of the first council of the area municipalities,

(a) the Minister shall by order,

(i) fix the days, times and places of nominations and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, the qualifications of candidates, and

(ii) provide for all such other matters as he considers necessary to hold the elections; and

R.S.O. 1960,
c. 249

(b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* and are resident in a local municipality or part thereof within the District Area between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Organiza-
tion com-
mittee in
1970

(10) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses
of first
elections

(11) The expenses of the local municipalities for the elections to elect members of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

(12) Except as otherwise provided in this Act, no elections for council shall be held in the year 1970 in the villages of Port Sydney and Windermere and the incumbent councils thereof shall continue in office until the 31st day of December, 1970.

No elections,
Port Sydney
and
Windermere

4.—(1) In every area municipality,

Meetings
of electors
for nomina-
tion of
candidates
and polling
day

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and

(b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Place of
nomination
meeting

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Term of
office

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Resident
voters' list
R.S.O. 1960,
c. 254

5. This Part comes into force on the day this Act receives Royal Assent.

Commence-
ment of
Part

PART II

INCORPORATION AND COUNCIL OF DISTRICT AREA

6.—(1) On the 19th day of October, 1970, the inhabitants of the District Area are hereby constituted a body corporate under the name of The District Municipality of Muskoka.

District
Corporation
constituted

Deemed
municipality
under
R.S.O. 1960,
cc. 98, 274

(2) The District Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Provisional
judicial
district

(3) The District Municipality of Muskoka is for judicial purposes a provisional judicial district.

Registry
and land
titles
divisions
not affected

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

District
Council to
exercise
corporate
powers

7.—(1) The powers of the District Corporation shall be exercised by the District Council and, except where otherwise provided, the jurisdiction of the District Council is confined to the District Area.

Powers
exercised
by by-laws

(2) Except where otherwise provided, the powers of the District Council shall be exercised by by-law.

Not to be
quashed as
unreason-
able

(3) A by-law passed by the District Council in the exercise of any of its powers and in good faith shall not be open to question or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of District
Council

8.—(1) The District Council shall consist of twenty-three members composed of a chairman and,

- (a) in the year 1970, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) three members elected by the council of the area municipality of the Town of Bracebridge as follows,
 - (i) one member elected to such council for Bracebridge Ward,
 - (ii) one member elected to such council for either Monck South Ward or Muskoka North Ward,
 - (iii) one member elected to such council for one of the wards of Draper, Macaulay or Oakley;
- (c) two members elected by the council of the area municipality of the Township of Georgian Bay as follows,
 - (i) one member elected to such council for Baxter Ward,
 - (ii) one member elected to such council for either Freeman Ward or Gibson Ward;

- (d) three members elected by the council of the area municipality of the Town of Gravenhurst as follows,
 - (i) one member elected to such council for Gravenhurst Ward,
 - (ii) one member elected to such council for Muskoka South Ward,
 - (iii) one member elected to such council for either Morrison Ward or Ryde Ward;
- (e) three members elected by the council of the area municipality of the Town of Huntsville as follows,
 - (i) one member elected to such council for Huntsville Ward,
 - (ii) one member elected to such council for Chaffey Ward,
 - (iii) one member elected to such council for one of the wards of Brunel, Port Sydney, Stephenson and Stisted;
- (f) two members elected by the council of the area municipality of the Township of Lake of Bays as follows,
 - (i) one member elected to such council for either Franklin Ward or Sinclair Ward,
 - (ii) one member elected to such council for either Ridout Ward or McLean Ward;
- (g) three members elected by the council of the area municipality of the Township of Muskoka Lakes as follows,
 - (i) one member elected to such council for one of the wards of Bala, Port Carling or Windermere,
 - (ii) one member elected to such council for one of the wards of Cardwell, Monck North or Watt,
 - (iii) one member elected to such council for one of the wards of Medora and Wood, Medora North or Wood South.


Method of
election of
District
Council in
1970

(2) In the year 1970, the committee for each area municipality established by subsection 10 of section 3 shall meet on or before the 13th day of October, 1970 and shall elect the number of members to the District Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1970, 1971 and 1972.

Biennial
election of
District
Council

(3) In the year 1973 and in every second year thereafter the council of each area municipality shall at its first meeting in each such year elect its members to the District Council.

Appoint-
ment of first
chairman

 **9.**—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 19th day of October, 1970, to hold office at pleasure during the years 1970 to 1974 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Election of
chairman

(2) At the first meeting of the District Council in the year 1975 and in every second year thereafter at which a quorum is present, the District Council shall organize as a council and elect as chairman one of the members of the District Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.


Where
chairman
member of
area council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure to
elect
chairman

(4) If, at the first meeting of the District Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting
1970

 **10.**—(1) The first meeting of the District Council in the year 1970 shall be held on or after the 19th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the District Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any general or special Act, the first meeting of the council of each area municipality in the year

1971 and in every second year thereafter shall be held not later than the 8th day of January.

(3) The first meeting of the District Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the District Council. First meeting of District Council

(4) Subject to subsection 5, a person entitled to be a member of the District Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section. Certificate of qualification

(5) A person entitled to be a member of the first District Council in accordance with section 8 other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance, declaration of qualification

(7) No business shall be proceeded with at the first meeting of the District Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declarations of office R.S.O. 1960, c. 249

(8) The District Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11. When council deemed organized

11.—(1) Twelve members of the District Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum voting

(2) Subject to subsection 3, each member of the District Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

12.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Vacancies, chairman

Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) Except as provided in subsection 1, when a vacancy occurs in the office of chairman, the District Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the District Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the District Council fails to elect a chairman within twenty days as required by subsection 1, the Minister may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Other members

(4) When a vacancy occurs in the office of a member other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within thirty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the District Council, to hold office for the remainder of the term of his predecessor.

When seat to become vacant
R.S.O. 1960,
c. 249

(5) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the District Council.

Where head of council incapacitated

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the District Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the District Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration

13. Members of the District Council, including the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the District Council may determine.

Committees

14. The District Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Procedural by-laws

15. The District Council may pass by-laws for governing the proceedings of the District Council and any of its committees, the conduct of its members and the calling of meetings.

Head of Council

16.—(1) The chairman is the head of the District Council and is the chief executive officer of the District Corporation.

Chief administrative officer

(2) The District Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the District Corporation and perform such duties as the District Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the District Council; and
- (d) shall receive such salary as the District Council by by-law determines.

(3) Subsection 2 of section 239 of *The Municipal Act* ^{Application of R.S.O. 1960, c. 249, s. 239} applies to a chief administrative officer appointed under subsection 2.

17. When the chairman is absent from the District Area ^{Acting chairman} or absent through illness, or refuses to act, the District Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

18.—(1) Sections 192, 193, 195, 197, 198, 253, 275, 276, ^{Application of R.S.O. 1960, c. 249} 277, 278, 279, 280, and 406a of *The Municipal Act* apply *mutatis mutandis* to the District Corporation.

(2) Sections 190, 198a, 198b, 199 and 244 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the District Council and to every local board of the District Council.

19.—(1) The District Council shall appoint a clerk, whose ^{Appointment of clerk} duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the District Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the District Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the District Council.

(2) The District Council may appoint a deputy clerk who ^{Deputy clerk} shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk, first
meeting

(4) The chairman appointed under subsection 2 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the District Council in the year 1970 and thereafter until the District Council appoints a clerk or an acting clerk under this section.

Minutes
open to
inspection

20.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the District Corporation made to the District Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the District Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the District Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the District Council that affect land or the use thereof in the District Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the District Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

21.—(1) The District Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the District Corporation and preserve and file all accounts of the District Corporation and perform such other duties as may be assigned to him by the District Council.

Deputy
treasurer

(2) The District Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting treasurer *pro*

tempore who shall have all the powers and duties of the treasurer.

22.—(1) The treasurer shall receive and safely keep all money of the District Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the District Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the District Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. ^{Receipt and disbursement of money}

(2) Notwithstanding subsection 1, the District Council may by by-law, ^{Signing of cheques}

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The District Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide. ^{Petty cash fund}

(4) Except where otherwise expressly provided by this Act, a member of the District Council shall not receive any money from the treasurer for any work or service performed or to be performed. ^{When member may be paid}

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the District Council, unless another disposition of it is expressly provided for by statute. ^{Treasurer's liability limited}

23. Subject to subsection 3 of section 22, the treasurer shall, ^{Bank accounts}

- (a) open an account or accounts in the name of the District Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the District Council;
- (b) deposit all money received by him on account of the District Corporation, and no other money, to the

credit of such account or accounts, and no other account; and

- (c) keep the money of the District Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 22, the District Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

24.—(1) The treasurer shall prepare and submit to the District Council, monthly, a statement of the money at the credit of the District Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the District Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

25.—(1) The District Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the District Council and the auditor or auditors so appointed shall audit the accounts and transactions of the District Corporation and of every local board of the District Corporation.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the District Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the District Corporation who is or during the preceding year was a member of the District Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the District Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the District Council or any local board of the District Corporation that do not conflict with the duties prescribed by the Department.

(5) The District Council may provide that all accounts shall be audited before payment. Audit of
accounts
before
payment

26.—(1) Sections 217, 223, 223a, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248c and paragraphs 58, 59, 60, 61 and 62 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation. Application
of
R.S.O. 1960,
c. 249

(2) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the District Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System. Pensions

(3) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan. Idem

(4) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the District Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the District Corporation, whereupon the District Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. Sick leave
credits

(5) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall, during the first year of his employment by the District Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he Holidays

had remained in the employment of the municipality or local board thereof.

Offer of
employment

(6) The District Council shall offer to employ every person who, on the 1st day of April, 1970, is employed in any undertaking of any local municipality or local board that is assumed by the District Corporation under this Act.

Entitlement
to salary

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970.

Application
of 1961-62,
c. 97

(8) The District Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

Offer of
employment

(9) The employees of the local municipalities and the local boards thereof within the District Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the District Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970.

Sick leave
credits

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

Termination
of employ-
ment

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

Commence-
ment of
Part

27. This Part comes into force on the day this Act receives Royal Assent.

PART III

DISTRICT SEWAGE WORKS

28.—(1) In this Part,

Interpre-
tation

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more inter-connected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or ^{Idem} sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the District Council.

29.—(1) For the purpose of collecting or receiving from ^{General powers} the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the District

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the District.

Sewage
works
utilities
commission
prohibited

(2) The District Corporation shall not entrust the construction or the control and management of the district sewage works to a public utilities commission.

Construction,
etc.,
of trunk
sewer
works

30. The District Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Assumption
of treatment
works

31.—(1) The District Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as district sewage works all treatment works operated for, by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the District Corporation.

Other
works

(2) The District Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

Idem

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Extension
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

District
liability

(5) Where the District Corporation assumes a work or watercourse vested in an area municipality or local board,

- (a) no compensation or damages shall be payable to the area municipality or local board;
- (b) the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this

clause requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1960, c. 223

(6) If the District Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of doubts

32.—(1) Where any local municipality or a local board thereof within the District Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing agreements

(2) Where any local municipality or a local board thereof within the District Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Idem

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the District Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. Termination

33.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the District Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the District Council. Powers of area municipalities restricted

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the District Council.

Regulation
of system

34. The District Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the District Area an adequate system of sewage and land drainage disposal.

Special
benefit

35.—(1) Where, in the opinion of the District Council, an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the District Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the District Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Special
benefit

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

Debt
payments

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the District Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the District Corporation for the purposes of the area municipality.

Raising of
money by
area municipalityR.S.O. 1960,
c. 249

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or

occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

36.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a district work or watercourse without the approval of the District Council. ^{Connecting to district works}

(2) The District Corporation may enter into a contract with any local, district or regional municipality outside the District Area to receive and dispose of sewage and land drainage from such municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. ^{Agreements with other municipalities}

(3) Any engineer or other officer of the District Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the district work or watercourse. ^{Inspection}

37.—(1) The District Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a district work or watercourse, and every area municipality and local board shall conform to such by-laws. ^{Standards for local systems}

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a district work or watercourse without the approval of the District Council. ^{Approval of local extensions, etc.}

38. If the council of an area municipality considers itself aggrieved by the refusal of the District Corporation or the District Council, ^{Appeals}

- (a) to assume as a district work any local work;
- (b) to construct, extend or improve any district work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any district work,

the council may appeal to the Municipal Board, which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.

Special
sewage
service
rates

39.—(1) The District Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any district work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the District Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the District Council.

Raising of
money by
area muni-
cality
R.S.O. 1960,
c. 249

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Contribu-
tion to costs
of separa-
tion of
combined
sewers

40. The District Council may contribute moneys, out of the fund established under subsection 3 of section 111, toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1970, such amount as it deems proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

Transfer
of rights
over works
assumed

41. The District Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the District Corporation and the District Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection
of local
works

42. Any person authorized by the District Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Use of
district
works

43. Any works assumed by the District Corporation under section 31 together with any extensions or additions thereto constructed by the District Corporation, may be used by

the District Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 36, from any local or district municipality outside the District Area.

44. This Part comes into force on the day this Act receives Commence-
ment of
Royal Assent. Part

PART IV

HIGHWAYS

45. In this Part,

Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

46.—(1) The District Council shall pass a by-law estab- By-laws
lishing a district road system and designating the roads to establishing
be included therein as district roads, and such by-law shall district road
be submitted to the Minister not later than the 30th day of system by
June 30, 1971
June, 1971.

(2) Notwithstanding subsection 10, the by-law passed under By-law
subsection 1, as approved by the Lieutenant Governor in effective
Council, shall be effective on the 1st day of January, 1972. Jan. 1, 1972

(3) The District Council may by by-law from time to time Adding
add roads to or remove roads from the district road system, or removing
including such boundary line roads or portions thereof between roads by
the District Area and an adjoining municipality as may be by-law
agreed upon between the District Council and the council of the adjoining municipality.

(4) The Lieutenant Governor in Council may transfer Transfer of
any highway under the jurisdiction and control of the Depart- provincial
ment within the District Area to the District Corporation highway to
and the highway shall for all purposes be deemed to be part District
Corporation

of the district road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.
 R.S.O. 1960, c. 171

Vesting of roads in District Corporation (5) Every road or part thereof that forms part of the district road system and the jurisdiction and control and the soil and freehold thereof are vested in the District Corporation.

Removal of roads from the district road system (6) The Lieutenant Governor in Council may remove any road from the district road system.

Roads removed from district road system (7) Where a road or a part thereof is removed from the district road system, except by reason of it being stopped-up pursuant to section 57, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the District Corporation in respect of such road.

Status of land acquired for widening district road (8) Notwithstanding subsection 10, where the District Corporation acquires land for the purpose of widening a district road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the district road system.

Consolidating by-laws (9) The District Council shall, on or before the 1st day of May, 1977, pass a by-law consolidating all by-laws relating to the district road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of by-laws by Lieutenant Governor in Council (10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the District Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Plan of construction and maintenance **47.—**(1) The District Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

(2) The District Corporation shall submit a by-law covering the estimated expenditure on the district road system for the calendar year to the Minister for his approval, not later than the 31st day of March of the year in which the expenditure is to be made. Submission of by-law covering estimated expenditure

(3) The District Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on the district road system supplementing the by-law submitted under subsection 2. Supplementary by-law

(4) No grant shall be made toward work undertaken by the District Corporation that has not been provided for by a by-law duly approved by the Minister. Limit to grant

48. Where the District Corporation proposes the construction, improvement or alteration of a district road, it shall furnish the Minister with such detailed information as he may require. Information to Minister

49.—(1) The District Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister, Annual statement to Minister

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 69 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the District Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the District Council.

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the District Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment to District Corporation

Advance
payments

(3) Notwithstanding subsection 2 but subject to section 47, the Minister may, in his discretion, direct payment to the District Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

(a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or

(b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment for
road
improvement

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the district road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the District Corporation, direct payment to the treasurer of the District Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Contribu-
tion towards
expenditures

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Expendi-
tures for
construction,
maintenance
or repair

50. The roads included in the district road system shall be maintained and kept in repair by the District Corporation, and in all cases the Minister shall determine the amount of expenditure that is properly chargeable to road improvement, and his decision is final.

Powers over
roads in
district
road system

51. The District Corporation has, in respect of the roads included in the district road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the district road system, and the District Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the district road system.

52.—(1) The District Corporation is not by reason of a road forming part of the district road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the district road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1960,
c. 249

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a district road, and the District Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the District Council.

Area municipalities
may
construct
sidewalks
etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a district road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost
provided

R.S.O. 1960,
c. 223

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a district road shall conform to any requirements or conditions imposed by the District Council, and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipalities
to conform to
requirements
and be
responsible
for damages

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a district road by the council of a township.

R.S.O. 1960,
c. 171, s. 100,
subs. 4, not
to apply

53.—(1) The District Corporation may construct, install, maintain, or remove any works on a highway, other than a road under the jurisdiction and control of the Department, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the district road system.

Installation
of traffic
control
devices

(2) The District Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a road in the district road system.

Relocation
of inter-
secting
roads

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the District Corporation constructs a new road in lieu of the public road, the District Corporation may close the public road at the point of intersection with the district road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of storm
sewer, etc.,
on area
municipality
road

(4) Where the District Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1960,
c. 223

Intersection
of other
roads by
district
roads

54. Where a district road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the district road to its full width across the road so intersected is a part of the district road system.

Dedication
of lands
abutting
regional
roads for
widening
purposes

55. When land abutting on a district road is dedicated for, or apparently for, widening the district road, the land so dedicated is part of the district road and the jurisdiction and control and the soil and freehold thereof is vested in the District Corporation subject to any rights in the soil reserved by the person who dedicated the land.

New roads

56. The District Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 46 by adding such new roads to the district road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1960,
c. 249

Powers and
liabilities of
District
Corporation

57. With respect to the roads in the district road system and the regulation of traffic thereon, the District Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1960,
cc. 249, 172

Erection of
gasoline
pump and
advertising
device near
district road

58.—(1) The District Council may by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within 150 feet of any limit of a district road;
- (b) any sign, notice or advertising device within one-quarter mile of any limit of a district road.

(2) A by-law passed under this section may provide for ^{Permits} the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor.

59.—(1) No by-law passed by an area municipality for the ^{By-laws of area municipalities regulating traffic} regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the District Council before it is submitted for approval under *The Highway Traffic Act*. ^{R.S.O. 1960, c. 172}

(2) All signal-light traffic control devices heretofore or ^{Signal-light devices} hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the District Council, and the District Council may delegate any of its powers in respect of the operation of such devices to an officer of the District Corporation designated in the by-law.

(3) The District Corporation may contribute toward the ^{Contribution toward cost of signal-lights} cost of the erection of signal-light traffic control devices erected by an area municipality.

(4) Subject to *The Highway Traffic Act*, the District ^{Traffic control within 100 ft. of district roads} Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a district road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict.

60. The District Council may by by-law authorize agree- ^{Agreement for pedestrian walks} ments between the District Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed.

61.—(1) Sections 452 and 454 of *The Municipal Act* do ^{Disputes as to maintenance, etc., of bridges and highways} not apply to a bridge or highway crossing or forming a boundary between the District Area and an adjoining municipality where such bridge or highway is included in the district road system and in the road system of the municipality. ^{R.S.O. 1960, c. 249}

Idem

(2) When there is a difference between the District Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the District Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the District Corporation or the corporation of the municipality.

Hearing by
O.M.B.

(3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the District Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of
order

(4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary
bridges
R.S.O. 1960,
c. 249

62. Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system.

Idem

63. Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the District Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system.

Restrictions

64.—(1) The District Council has, with respect to all land lying within a distance of 150 feet from any limit of a district road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.

R.S.O. 1960,
c. 296

(2) In the event of conflict between a by-law passed under subsection 1 by the District Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the District Council prevails to the extent of such conflict.

65.—(1) The District Council may by by-law designate any road in the district road system, or any portion thereof, as a controlled-access road.

(2) Subject to the approval of the Municipal Board, the District Council may by by-law close any municipal road that intersects or runs into a district controlled-access road.

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the District Corporation within such time as the Municipal Board shall direct.

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions,

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the District Corporation may do all such acts as may be necessary to close the road in respect of which the application is made.

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the District Corporation discontinues its application or, having

obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the District Corporation it considers proper and may fix the amount of such costs.

Appeal

(7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal appeal to that court from any order of the Municipal Board approving the closing of such road, and the District Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal

(8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal

(9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960, c. 274, s. 95 not to apply

(10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon controlled-access roads

66.—(1) Subject to the approval of the Municipal Board, the District Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a district controlled-access road.

Notice

(2) The District Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure, or facility constructed or used as a means of access to a district controlled-access road in contravention of a by-law passed under subsection 1.

Service of notice

(3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

Failure to comply with notice

(4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the District Council may by resolution direct any officer, employee or agent of the District Corporation to enter upon the land of such person and do or cause to

be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given ^{Offence} under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(6) Where a notice given under subsection 2 has been ^{Compensation} complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a district controlled-access road was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a district controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1 in which case the making of compensation is subject to any provisions of such by-law.

67.—(1) Where the District Corporation adds to the ^{District liability when road added} district road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested.

(2) Where a road has been added to the district road ^{Idem} system by a by-law passed under subsection 3 of section 46, the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of ^{R.S.O. 1960, c. 223}

(3) If the District Corporation fails to make any payment ^{Default} as required by subsection 2, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the district road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping up
highways

68.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall notify by registered mail the District Corporation of its intention.

Agreement

(2) If the District Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the District Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
district
roads
engineer
1968-69,
c. 99

69. The District Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act, 1968-69*, to administer and manage the district road system.

Applica-
tion of
R.S.O. 1960,
c. 171

70. Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the district road system.

Commence-
ment of
Part

71. This Part comes into force on the day this Act receives Royal Assent.

PART V

PLANNING

Planning
area

R.S.O. 1960,
c. 296

72.—(1) On and after the 1st day of January, 1971, the District Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Muskoka Planning Area.

Designated
muni-
cipality

(2) The District Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Muskoka Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Muskoka Planning Area, together with the boards thereof, are hereby dissolved on the 31st day of December, 1970.

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1971, and the council may establish a planning board for the area municipality in accordance with *The Planning Act* otherwise the council shall be the planning board. Area municipalities

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the District Area. Proviso

(6) When the Minister has approved an official plan adopted by the District Council, Effect of official plan

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; R.S.O. 1960, c. 296

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

73.—(1) The District Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Muskoka Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Muskoka Planning Area, and without limiting the generality of the foregoing it shall, Planning duties of District Council

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Muskoka Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Muskoka Planning Area in determining the solution of problems or matters affecting the development of the Muskoka Planning Area; and

(c) consult with any local board having jurisdiction within the Muskoka Planning Area.

(2) The District Council before the 31st day of December, 1974, shall prepare, adopt and forward to the Minister for approval an official plan for the District Area, and the council of each area municipality shall within two years thereafter adopt and forward to the Minister for approval an official plan for the area municipality. Official plan

Planning
staff

(3) The District Council shall appoint such planning staff as may be considered necessary.

Advisory
committee

(4) The District Council and the council of any area municipality may each appoint such advisory planning committees as it considers necessary.

District
Corporation
deemed
municipality under
R.S.O. 1960,
c. 296

(5) Subject to this Part, the District Corporation shall be deemed to be a municipality and the District Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12*a*, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*.

Idem

(6) The District Council shall be deemed to be a county for the purposes of clause *d* of subsection 1 and clause *b* of subsection 3 of section 26 and section 31*a* of *The Planning Act*.

Agreements
re plans
of sub-
division

(7) The District Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.

Agreements
re special
studies

(8) The District Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Muskoka Planning Area or any part thereof.

Delegation
of Minister's
powers

(9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the District Council any of the Minister's powers of approval under *The Planning Act*.

Committees
of adjust-
ment

(10) All committees of adjustment heretofore constituted by the council of a local municipality in the Muskoka Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 32*a* of *The Planning Act*.

Application
of
R.S.O. 1960,
c. 296

74. Except as provided in this Part, the provisions of *The Planning Act* apply.

Commence-
ment of
Part

75. This Part comes into force on the day this Act receives Royal Assent.

PART VI

HEALTH AND WELFARE SERVICES

76.—(1) The District Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions. Liability for hospitalization of indigents R.S.O. 1960, cc. 322, 305

(2) The District Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the District Area was liable because the indigent person was a resident of such local municipality. Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971. Proviso

(4) The 1971 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, for the purposes mentioned in such section 8a in the year 1970 and shall be paid to the District Corporation. Hospitalization grant 1971 under R.S.O. 1960, c. 259

77. The District Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the District Area and may issue debentures therefor. Aid to hospitals

78. On and after the 1st day of January, 1971, the District Area shall continue to be part of the health unit established under *The Public Health Act* known as the Muskoka-Parry Sound Health Unit. District Area part of Muskoka-Parry Sound Health Unit R.S.O. 1960, c. 321

79. The representation of the District Area on the board of health of the Muskoka-Parry Sound Health Unit shall comprise one member of the council of each area municipality, who is also a member of the District Council, appointed by the District Council. Representation on board of health

80.—(1) For the purposes of the following Acts, the District Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality: District Corporation deemed city under 1967, c. 3, R.S.O. 1960, cc. 236, 359, 425

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

District
Corporation
deemed
county
under 1966,
c. 37
R.S.O. 1960,
cc. 164, 173

(2) For the purposes of the following Acts, the District Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act, 1966.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability
respecting
homes for
the aged
R.S.O. 1960,
c. 174

81.—(1) The District Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the District Council.

Dissolution
of Board of
Management,
district
home vested
in District
Corporation

82.—(1) On the 1st day of January, 1971, the District of Muskoka Homes for the Aged Board of Management is hereby dissolved and all the assets and liabilities thereof, including the home for the aged known as The Pines and all real and personal property used for the purposes of such home are vested in the District Corporation, and no compensation or damages shall be payable to such Board of Management in respect thereof.

Residents of
Nipissing
Home for
the Aged

(2) The District Corporation shall pay to the Board of Management of Nipissing Home for the Aged the cost of maintenance in the Nipissing Home for the Aged, incurred after the 31st day of December, 1970, of every resident of that home who was admitted thereto due to residence in an area that becomes part of any area municipality.

Amount of
maintenance
payment

(3) The amount payable by the District Corporation under subsection 2 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

83. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act, 1965* and the District Corporation shall be deemed to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. District Corporation deemed county under 1965, c. 14

84. The District Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred

85. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the District Corporation, and the sums of money required to be paid under such order shall be paid by the District Corporation and not by the area municipality. Liability under order made under R.S.C. 1952, c. 160

86. Every area municipality and every officer or employee thereof shall, at the request of the officers of the District Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

87. In the event that there is any doubt as to whether the District Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. Adjustments

88. The District Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. Grants to approved corporations under 1966, c. 65

89. This Part comes into force on the 1st day of January, 1971. Commencement of Part

PART VII

POLICE

90.—(1) On and after the 1st day of January, 1971, *The Police Act*, except section 59, and sections 352 and 353 of *The Municipal Act* do not apply to any area municipality. Application of R.S.O. 1960, cc. 298, 249

(2) The District Corporation shall be deemed to be a municipality for the purposes of section 59 of *The Police Act*. District Corporation deemed municipality for R.S.O. 1960, c. 298, s. 59

Application to Town of Gravenhurst (3) On and after the 9th day of May, 1970, *The Police Act*, except section 59, and sections 352 and 353 of *The Municipal Act* do not apply to the Town of Gravenhurst.

O.P.P. to undertake police functions in District Area **91.** All police functions, other than the enforcement of by-laws of the District Council or of the council of any area municipality, shall, on and after the 1st day of January, 1971, be undertaken by the Ontario Provincial Police in the District Area.

O.P.P. to undertake police functions in 1970 in Town of Gravenhurst **92.** All police functions, other than the enforcement of municipal by-laws shall, on and after the 9th day of May, 1970, be undertaken by the Ontario Provincial Police in the Town of Gravenhurst.

Liaison Committee **93.** The District Council shall establish a committee of seven persons consisting of the chairman and one representative from the council of each area municipality to be known as the Muskoka District Police Liaison Committee which shall meet at monthly intervals with the representatives of the Ontario Provincial Police to discuss police matters within the District Area.

Application of s. 26 **94.** The provisions of subsections 9 to 12 of section 26 apply to every member of the police forces of the towns of Bracebridge, Gravenhurst and Huntsville.

Commencement of Part **95.** This Part comes into force on the day this Act receives Royal Assent.

PART VIII

FINANCES

Interpretation **96.** In this Part,
(a) "merged area" means any area so designated by the Minister for the purposes of this Part;

1968-69, c. 6 (b) "rateable property" includes business and other assessment made under *The Assessment Act, 1968-69*.

Investment of money not immediately required R.S.O. 1960, c. 249 **97.** Section 302 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation.

YEARLY ESTIMATES AND LEVIES

Yearly estimates **98.**—(1) The District Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the District Corporation including the sums

required by law to be provided by the District Council for any local board of the District Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve.

99.—(1) The District Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the District Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the District Corporation is liable under this Act.

(2) The District Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the District Area, according to the last revised assessment rolls.

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the District Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

Idem

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the District Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

(a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the District Corporation; and

(b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the District Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the District Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed assess-
ments, etc.,
not to apply

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act, 1968-69* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

1968-69,
c. 6

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of district levies are paid by the Crown in right of Canada or any province or any board,

commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

(12) The clerk of each area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the District Corporation of the revised and equalized valuations.

(13) One by-law or several by-laws for making the levies may be passed as the District Council may deem expedient.

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act, 1968-69*, in each area municipality the district levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof.

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the District Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the District Corporation at the times and in the amounts specified by the by-law of the District Council mentioned in subsection 2.

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

100. In sections 101 and 103,

(a) "commercial assessment" means the total of,

(i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and

(ii) the business assessment, and

Residential
and commercial
assessment defined

- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act, 1968-69*,

1968-69,
c. 6

according to the last revised assessment roll;

- (b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

Rates

R.S.O. 1960,
c. 249

101.—(1) The council of each area municipality shall levy, as provided by this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for the District Corporation or any board, commission or other body, but not the sums required to be levied under section 103 of this Act.

Equalization
of assess-
ment of
merged areas

(2) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Notice

(3) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 4, the Department shall notify the area municipality of the revised and equalized assessment.

Levy on
commercial
assessment

(4) The amount to be raised by an area municipality in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Levy on
residential
assessment

(5) The amount to be raised by an area municipality in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by

the Department under subsection 4, reduced by the sum equal to the estimated revenue from payments to be received in that year by the municipality under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1960,
c. 259

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of each area municipality in the following manner:

Apportion-
ment among
merged areas

1. The amount, as ascertained in accordance with subsection 4, to be raised by the area municipality in each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Commercial

2. The amount, as ascertained in accordance with subsection 5, to be raised by the area municipality in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Residential

(7) The council of the area municipality shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6.

Levy on
commercial
assessment
in merged
areas

(8) The council of the area municipality shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6.

Levy on
residential
assessment
in merged
areas

(9) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 99.

When
provisions
cease to
apply

102.—(1) Notwithstanding section 99, in the year 1971 the District Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the District Area in the year 1970 for

Levy by
District
Council
before
estimates
adopted

general municipal purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 99, and subsections 15 and 16 of section 99, apply to such a levy.

Idem

(2) Notwithstanding section 99, in the year 1972 and in each subsequent year the District Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the District Council in the preceding year against that area municipality and subsections 15 and 16 of section 99 apply to such a levy.

Levy under
s. 99 to be
reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 99.

Levy by area
municipality
before
estimates
adopted

(4) Notwithstanding section 101, until the date determined by the Minister under subsection 5 of section 99, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business
assessment

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 101, until the date determined by the Minister under subsection 5 of section 99 may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy made
under s. 101
to be
reduced

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 101.

Application
of R.S.O.,
1960, c. 249
section 294a,
subs. 3

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 99. R.S.O. 1960, c. 249
section 294a
not to apply

103.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area. Rates under
R.S.O. 1960,
c. 368

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for
public school
purposes on
commercial
assessment
R.S.O. 1960,
c. 361

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for
public school
purposes on
residential
assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for
secondary
school
purposes on
commercial
assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for
secondary
school pur-
poses on
residential
assessment
R.S.O. 1960,
c. 361

Regulations
under R.S.O.
1960 c. 362
to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act* the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 99.

Transitional
adjustments

104. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection.

Allowances
to be made
in estimates
of area
municipalities in
1971
R.S.O. 1960,
c. 249

105.—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged
areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971 comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971 comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

ADJUSTMENTS

Interpreta-
tion

106.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971. Surplus or deficit at December 31, 1970, to be applied to supporting assessment

(3) The audited surplus or operating deficit of a local roads board or statute labour board at the 31st day of December, 1970 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971. Idem

(4) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality, he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years. Adjustments may be spread over five years by order

107.—(1) The Minister may, on or before the 1st day of September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of McLean, the Township of Medora and Wood, the Township of Monck and the Township of Muskoka. Arbitration

(2) Each committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint. Idem

(3) Before the 31st day of December, 1970, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971. Provisional determination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary. Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council Idem

of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1960,
c. 249

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial
hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

Documents
and records
of divided
municipalities

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

URBAN SERVICES

Interpreta-
tion

108.—(1) In this section,

(a) “cost” includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchasers of them;

(b) “urban service” means,

- (i) the collection and disposal of sewage and land drainage, or
- (ii) the collection and removal of ashes or garbage or other refuse, or
- (iii) street lighting, or
- (iv) the provision and distribution of an adequate supply of water.

(2) The council of each area municipality shall, with the approval of the Municipal Board, by by-law designate the areas in which an urban service is or is to be provided by the area municipality.

(3) The aggregate amount of the sums necessary in each year to pay the cost of an urban service in a designated area, including the area municipalities' portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the area municipality lying outside the designated area.

RESERVE FUNDS

109.—(1) Reserve funds established by local municipalities for purposes for which the District Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the District Corporation and the assets of such reserve funds are vested in the District Corporation.

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the District Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part, and the assets of such reserve funds are vested in such area municipality.

110.—(1) The District Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the District Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Auditor to report on reserve funds (4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

Planning fund **111.**—(1) The District Council shall establish and maintain a planning fund.

Purpose of fund (2) The moneys in the fund established under subsection 1 may be used only to defray the costs of the District Council in exercising its powers under Part V.

Pollution control fund (3) The District Council shall establish and maintain a pollution control fund and shall contribute to such fund, in each year, the sum equivalent to a sum calculated at one quarter of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 99.

Purpose of fund (4) The moneys in the fund established under subsection 3 may be used only to defray the costs of the District Council in exercising its powers under Part III and for pollution control measures undertaken in the District Area, which measures are in addition to the normal pollution control measures being undertaken by the Muskoka-Parry Sound Health Unit.

Cost of District Council under Part III (5) None of the costs of the District Council in exercising its powers under Part III shall form part of the levy under section 99 except as provided in subsection 4.

Investments and income (6) The moneys raised for each of the funds established under this section shall be paid into special accounts and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys for each fund form part of that fund.

R.S.O. 1960,
c. 408

Expenditure of fund moneys (7) The moneys raised for each fund established under this section shall not, without the approval of the Department, be expended, pledged or applied to any purpose other than that for which the fund was established.

Auditor to report on funds (8) The auditor in his annual report shall report on the activities and position of each fund established under this section in the form prescribed by the Department.

SPECIAL PROVINCIAL ASSISTANCE

Special contributions **112.** The following contributions, in each of the years 1971, 1972, 1973, 1974 and 1975, to the expenditures of the District Corporation shall be paid out of the Consolidated Revenue Fund,

- (a) an amount of \$150,000, to be known as the Environmental Development Grant, of which \$50,000 shall be paid into the fund established under subsection 1 of section 111 and \$100,000 into the fund established under subsection 3 of section 111; and
- (b) an amount of \$50,000 to defray part of the cost of administrative expenditures of the District Council.

TEMPORARY LOANS

113.—(1) The District Council may by by-law, either ^{Current borrowings} before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the District Council may deem necessary to meet, until the levies are received, the current expenditures of the District Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the District Corporation and the sums required by law to be provided by the District Council for any local board of the District Corporation.

(2) The amount that may be borrowed at any one time ^{Limit upon borrowings} for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the District Corporation as set forth in the estimates adopted for the year.

(3) Until such estimates are adopted, the limitation upon ^{Temporary application of estimates of preceding year} borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the District Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

(4) The lender is not bound to establish the necessity of ^{Protection of lender} borrowing the sum lent or to see to its application.

(5) Any promissory note made under the authority of ^{Execution of promissory notes} this section shall be sealed with the seal of the District Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of charge (6) The District Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the District Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of agreements (7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalties for excess borrowings (8) If the District Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for misapplication of revenues by District Council (9) If the District Council authorizes the application of any revenues of the District Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for misapplication of revenues by officials (10) If any member of the District Council or officer of the District Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving as to penalties (11) Subsections 8, 9 and 10 do not apply to the District Council or any member of the District Council or officer of the District Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the District Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1960,
c. 98

DEBT

Debt 114.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Council may borrow money for the purposes of,

R.S.O. 1960,
c. 274

(a) the District Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the District Corporation.

(2) All debentures issued pursuant to a by-law passed by ^{Liability} the District Council under the authority of this Act are direct, joint and several obligations of the District Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the District Corporation and of the area municipalities respectively as among themselves.

(3) Notwithstanding any general or special Act, no area ^{Limitation} municipality has, after the 31st day of December, 1970, power to issue debentures.

(4) When an area municipality, prior to the 31st day of ^{Uncompleted works} December, 1970,

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and ^{R.S.O. 1960, c. 274}

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the District Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the District Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 117, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness ^{Bonds, debentures, etc., trustee investments} of the District Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. ^{R.S.O. 1960, c. 408}

Power to
incur debt
or issue
debentures
R.S.O. 1960,
c. 274

115.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 114 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the District Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the District Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the District Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Hearing

116.—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the District Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

Notice

(2) Notice of the hearing shall be given to the clerk of the District Corporation and to the clerk of each area municipality in such manner as the Municipal Board may direct.

Dispensation
with
hearing

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.

Idem

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the District Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.

Borrowing
pending
issue and
sale of
debentures

117.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for its purposes, the District Council

pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow-^{Idem}ing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The District Corporation may charge interest on any proceeds of an advance or loan transferred under subsection 2^{Interest on proceeds transferred} at a rate sufficient to reimburse it for the cost of such advance or loan.

(4) The proceeds of every advance or loan under this section shall be applied to the purposes for which the debentures were authorized, but the lender shall not be bound to see to the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 129, shall be transferred to the area municipality.^{Application of proceeds of loan}

(5) Subject to subsection 4, the redemption of a debenture hypothecated does not prevent the subsequent sale thereof.^{Hypothecation not to prevent subsequent sale of debentures}

118.—(1) Subject to subsection 2, a money by-law for the issuing of debentures shall provide that the principal shall be repaid in annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.^{Principal and interest payments}

(2) A money by-law for the issuing of debentures may provide that the principal shall be repaid at a fixed date with interest payable annually or semi-annually, in which case^{Sinking fund debentures}

debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy against area municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the District Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by area municipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levies a debt

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the District Corporation.

By-law to change mode of issuing debentures

(8) The District Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* and where any debentures issued under the by-law have been sold, pledged or hypothecated by the District Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures when to be dated and issued

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number

of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the District Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(10) All the debentures shall bear the same date, except ^{Date of debentures} where they are issued in sets in which case every debenture of the same set shall bear the same date.

(11) Notwithstanding the provisions of the by-law, the ^{Idem} debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(12) The Municipal Board, on the application of the ^{Extension of time for issue} District Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(13) The extension may be made although the application ^{Application after time expired} is not made until after the expiration of the two years or of the time provided for the issue of the set.

(14) Unless the by-law names a later day when it is to take ^{Effective date} effect, it takes effect on the day of its passing.

(15) Notwithstanding any general or special Act, the Dis- ^{Consolidation} trict Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation. ^{Consolidating debenture by-laws R.S.O. 1960, c. 249}

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the District Corporation on any date prior to maturity, subject to the following provisions: ^{Redemption before maturity}

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and

the amount at which such debenture may be so redeemed.

2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice in intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the District Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council in respect of the debenture so redeemed.

Currency

(18) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
or
- (b) in lawful money of the United States of America and payable in the United States of America; or

- (c) in lawful money of Great Britain and payable in Great Britain.

(19) Where, under the provisions of the by-law, debentures ^{Annual rates} issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the District Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary.

(20) When sinking fund debentures are issued, the amount ^{Principal levies} of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding $3\frac{1}{2}$ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due.

(21) When sinking fund debentures are issued, the sinking ^{Consolidated bank} fund committee shall keep one or more consolidated bank accounts in which,

- (a) the treasurer of the District Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and
- (b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(22) When sinking fund debentures are issued, there shall ^{Sinking fund committee} be a sinking fund committee that shall be composed of the treasurer of the District Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the District Corporation, such annual remuneration as the Lieutenant Governor in Council may determine.

(23) The Lieutenant Governor in Council may appoint an ^{Alternate members} alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member.

(24) The treasurer of the District Corporation shall be the ^{Chairman} chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer.

- Security (25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the District Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.
- R.S.O. 1960, c. 249
- Quorum (26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of sinking fund assets (27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.
- Withdrawals from bank accounts (28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.
- Investments (29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.
- Idem (30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,
- (a) in securities in which a trustee may invest under *The Trustee Act*;
- (b) in debentures of the District Corporation;
- (c) in temporary advances to the District Corporation pending the issue and sale of any debentures of the District Corporation;
- (d) in temporary loans to the District Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.
- R.S.O. 1960, c. 408
- Deposit of securities with Treasurer of Ontario (31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.
- Release of securities by Treasurer of Ontario (32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under

subsection 31 only upon the direction in writing of the sinking fund committee.

(33) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by, Earnings credited to sinking fund account

- (a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and
- (b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

(35) The treasurer of the District Corporation shall prepare and lay before the District Council in each year, before the annual district levies are made, a statement showing the sums that the District Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(36) If the treasurer of the District Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. Offence

(37) If the District Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the District Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or Where amount in sinking fund account more than sufficient to pay debt

by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the District Council or the council of an area municipality, may authorize the District Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the District Corporation or otherwise than is provided in this section.

Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the District Corporation or of an area municipality,
 - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the District Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the District Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the District Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40.

119.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the District Council to pass a by-law to amend such by-law so as to provide for,

When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 117 shall not constitute a sale or other disposal thereof.

Hypothecation not a sale under this section

(3) The District Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council.

Special assessment and levies

120.—(1) Where part only of a sum of money provided for by a by-law has been raised, the District Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

Repeal of by-law when part only of money to be raised

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

121.—(1) Subject to section 120, after a debt has been contracted under a by-law, the District Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually and shall not apply to any other purpose any money of the District Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the District Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

122. Any officer of the District Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the District Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

123.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the District Corporation, in the Registry Office for the Registry Division of the Judicial District.

Application
to quash
registered
by-law,
when to be
made
R.S.O. 1960,
c. 274

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court

1962-63, c. 39
R.S.O. 1960,
c. 223

of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 115 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 118 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

124.—(1) A debenture or other like instrument shall be sealed with the seal of the District Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman or by some other person authorized by by-law of the District Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the District Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

Mechanical
reproduction
of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the District Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of
mechanical
reproduction

(4) The seal of the District Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the District Corporation.

Sufficiency
of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the District Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures
on which
payment has
been made
for one year
to be valid

125. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the District Corporation, the by-law and the debentures issued under it are valid and binding upon the District Corporation.

Mode of
transfer may
be prescribed

126.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....
.....
of

the treasurer (or such other person so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

127. Where a debenture is defaced, lost or destroyed, the District Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

128.—(1) On request of the holder of any debenture issued by the District Corporation, the treasurer of the District Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the District Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the District Corporation.

On request of sinking fund committee

(3) Any new debentures mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the District Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book

Debentures surrendered for exchange to be cancelled

that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

129.—(1) The moneys received by the District Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the District Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the District Corporation or an area municipality.

Surplus

(3) Where, on the sale of any debenture, an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the District Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where, on the sale of any debentures, a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

130. Where real or personal property acquired out of moneys received by the District Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 129 or with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Use of
proceeds of
sale of
assets ac-
quired from
proceeds of
sale of
debentures

131. When the District Corporation intends to borrow money on debentures under this or any other Act, the District Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Tenders for
debentures

132.—(1) The District Council shall,

Accounts,
how to be
kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,
 distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The District Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated
interest
account

Application
of surplus
money

133. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of
members

134.—(1) If the District Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the District Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the District Area.

Disqualifi-
cation

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

135. When, by or under the authority of this Act, the District Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the District Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the District Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the District Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the District Corporation to raise the money required to complete such purchase.

Disposal
of assets

136. After the 15th day of May in the year 1970, no local municipality shall, without the approval of the Ontario Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000.

137.—(1) This Part, except sections 107 and 136, comes into force on the 1st day of January, 1971. Commence-
ment of
Part

(2) Sections 107 and 136 come into force on the day this Act receives Royal Assent. Idem

PART IX

GENERAL

138.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a* and paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and, for the purposes of section 410 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality. Application
of
R.S.O. 1960,
c. 249

(2) Sections 10 and 11, and, subject to subsection 2 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the District Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Exceptions

(3) The District Corporation shall be deemed to be a local municipality for the purpose of paragraph 116 of subsection 1 of section 379 of *The Municipal Act*. Nuisances

(4) Notwithstanding any other provision in this Act, the District Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 1 of section 36, subsection 2 of section 37 and subsection 2 of section 52 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation
of approval
and
consents

(5) For the purposes of *The Construction Safety Act, 1961-62* the District Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed
county for
1961-62,
c. 18

(6) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971 until repealed by the council of an area municipality as it affects such area municipality. By-laws to
remain in
force

139.—(1) The District Council may pass by-laws, Emergency
measures
and civil
defence

(a) for the establishment and maintenance of an emergency measures civil defence organization in the District Area; and

- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the District Area,

and when a by-law passed under this subsection is in force in the District Area any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

R.S.O. 1960,
c. 249

Powers of
District
Council

(2) When a by-law passed under clause *a* of subsection 1 is in force, the District Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the District Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;
- (d) for acquiring alternative headquarters for the District Government outside the District Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1952,
c. 288
1962-63,
c. 41

Expendi-
tures for
diffusing
information

140. The District Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the district municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

141. The District Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 99, to institutions, associations and persons carrying on or engaged in works that in the opinion of the District Council are for the general advantage of the inhabitants of the District Area and for which grant or grants there is no express authority provided by any other Act.

Grants to persons engaged in work advantageous to District Area

142. Where, in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act*, the District Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or in the event of his death, to one or more of his dependants upon such terms and conditions as the District Corporation may impose.

Payment of damages to employees
R.S.O. 1960, c. 437

143.—(1) Where the District Council passes a resolution requesting a judge of the district court within the District Area or a judge of the county court or district court of a county or district adjoining the District Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the District Council, or an officer or employee of the District Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the District Corporation, or to inquire into or concerning any matter connected with the good government of the District Corporation or the conduct of any part of its public business, including any business conducted by a local board of the District Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall with all convenient speed, report to the District Council the result of the inquiry and the evidence taken.

Investigation by judge of charges of malfeasance

(2) The judge shall be paid by the District Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge
R.S.O. 1960, c. 197

(3) The District Council may engage and pay counsel to represent the District Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the District Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the District Corporation shall pay the costs thereof.

Commission of inquiry

144.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the District Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

R.S.O. 1960, c. 323

When commission may issue

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the District Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of commission

(3) The expenses of and incidental to the execution of the commission including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the District Corporation and the Province of Ontario as the Lieutenant Governor in Council may direct.

Entry on highways

145. The District Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements re services

146. The District Corporation and any area municipality may enter into agreements for the use within any part of the District Area of the services of their respective officers, employees and equipment.

Application of 1968-69, c. 6

147.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act, 1968-69*, the District Corporation shall be deemed to be a municipality.

District Corporation and area municipalities not deemed tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, where property belonging to the District Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the District Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

(3) In subsection 2, "District Corporation" and "area municipality" include a local board thereof. ^{Interpretation}

148.—(1) An execution against the District Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following: ^{Executions against District Corporation}

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the District Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the District Council for general purposes are apportioned among the area municipalities determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rates will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the District Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If at any time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he

shall add a column thereto, headed "Execution rate in A.B. vs The District Municipality of Muskoka" (Adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions of
clerk, etc.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Settling of
doubts

149. In the event of any doubt as to whether any particular asset or liability is vested in the District Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1960,
c. 274

Conditional
powers

150. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict
with other
Acts

151. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal
buildings

152.—(1) The District Corporation or an area municipality or the District Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and

- (b) may construct municipal buildings for the use of the District Corporation or the District Corporation and one or more area municipalities or any local board thereof.

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section. Application of R.S.O. 1960, c. 249

153. The District Corporation shall appoint a District Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the District Area and the District Corporation is authorized to expend such sums as it considers necessary to implement such plan and program. District Fire Co-ordinator

154. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*. Recreation and parks management boards R.S.O. 1960, cc. 94, 60

155.—(1) The District Corporation shall be deemed to be a local municipality for the purposes of paragraph 9 of section 377 of *The Municipal Act*. Deemed municipality under R.S.O. 1960, c. 249, s. 377, par. 9

(2) The District Corporation shall be deemed to be a regional municipality for the purposes of *The Tile Drainage Act* and *The Conservation Authorities Act, 1968*. Deemed regional municipality R.S.O. 1960, c. 399 1968, c. 15

156.—(1) The area municipalities of Bracebridge, Gravenhurst and Huntsville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 394 of *The Municipal Act*. Bracebridge, Gravenhurst and Huntsville deemed townships

(2) The provisions of section 245 of *The Municipal Act* do not apply in the year 1970 to any local municipality in the District Area. Application of R.S.O. 1960, c. 249, s. 245, in 1970

157.—(1) In this section, "waste" includes ashes, garbage, refuse and domestic or industrial waste of any kind. Interpretation

(2) Where an area municipality has requested the District Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the District Corporation and the area municipality may enter into an agreement for the use and operation of such facilities. Agreement

Waste
disposal
sites

(3) For the purposes of an agreement under subsection 2, the District Corporation may acquire and use land within the District Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste.

Application
of by-law
under
R.S.O. 1960,
c. 249, s. 379,
subs. 1,
par. 112

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the District Corporation.

Acquisition
of land for
waste
disposal

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*.

Existing
speed limits
continued
R.S.O. 1960,
c. 172

158.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the District Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be deemed to continue to form part of a town, village or township municipality.

By-laws of
District
Council
and area
councils

(2) Notwithstanding subsection 1, the District Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing
by-laws
under s. 59
of R.S.O.
1960, c. 172,
continued

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December 1970, to any highway or portion thereof within the District Area shall continue to apply thereto until a by-law passed by the District Council or the council of an area municipality under such section 59 applies thereto.

Gravel pit
vested in
Town of
Gravenhurst

159. The lands in the Township of Muskoka more particularly described as follows:

COMMENCING at the southeast angle of Lot 4 Concession X, Township of Muskoka, District of Muskoka.

THENCE westerly along the southerly boundary a distance of 300 feet to a point east of a road known as the Switch Road;

THENCE northerly following the easterly limit of the said Switch Road a distance of 150 feet;

THENCE northeasterly in a direct line for a distance of 500 feet more or less to a point in the easterly limit of the said Lot 4 that is distant northerly thereon 575 feet from the southeasterly angle thereof;

THENCE southerly following the easterly limit of the said Lot a distance of 575 feet to the point of commencement,

are hereby, on the 1st day of January, 1971, vested in the Town of Gravenhurst without payment of compensation and the clerk of the Town of Gravenhurst shall forthwith after this section comes into force file a copy of this section in the appropriate registry or land titles office.

160.—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*. Application of R.S.O. 1960, c. 300, s. 111

(2) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the District Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction, and the powers and duties of every such public utility commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the District Corporation as required by this Act. Powers of utilities commissions transferred to area municipality or District Corporation

(3) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the District Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area. Distribution of electrical power

(4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex-officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission. Members of commissions continued in office

(5) All public utilities commissions and waterworks commissions within the District Area except those referred to in subsection 2 are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission. Commissions dissolved

Election
R.S.O. 1960,
c. 362

161.—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*,

- (a) the polling day for the members of the Muskoka Board of Education in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the District Area; and

- (b) the Minister shall by order fix the days, times and places for the nomination of candidates for the Muskoka Board of Education in the year 1970 and provide for the holding of the nomination meetings,

and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply.

Determina-
tions and
appeals,
etc.

(2) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*, any reference in such section to the 1st day of September shall be deemed to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such section shall be advanced by thirty days.

Roads
boards, etc.,
dissolved

162.—(1) Every local roads board and statute labour board that has jurisdiction in the District Area is dissolved on the 1st day of January, 1971 and all the assets and liabilities of such board become on such date assets and liabilities of the area municipality in which such board had jurisdiction.

Taxes and
penalties

(2) All taxes and penalties assessed by a local roads board or statute labour board against any land which are due and unpaid on the 1st day of January, 1971 shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality.

Credits of
local roads
boards, etc.
1964, c. 56

(3) All moneys standing to the credit of a local roads board under section 31 of *The Local Roads Boards Act, 1964*, in relation to tax moneys received by the secretary-treasurer of the board up to the 1st day of January, 1971, shall be paid over by the Treasurer of Ontario to the area municipality in which the local roads board had jurisdiction.

163. The expenditures of the District Corporation during ^{Expenditures} the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund.

164.—(1) This Part comes into force on the day this Act ^{Commence-} receives Royal Assent._{ment}

(2) Section 1 comes into force on the day this Act receives ^{Idem} Royal Assent.

165. This Act may be cited as *The District Municipality* ^{Short title} of Muskoka Act, 1970.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (*or appointed*) as chairman of the council of The District Municipality of Muskoka, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (*or appointed*) as chairman of the council of The District Municipality of Muskoka, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of twenty-one years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The District Municipality of Muskoka or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

An Act to establish The District
Municipality of Muskoka

1st Reading

May 7th, 1970

2nd Reading

May 28th, 1970

3rd Reading

MR. McKEOUGH

*(Reprinted as amended by the
Committee of the Whole House)*

BILL 80

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to establish The District Municipality of Muskoka

MR. McKEOUGH



BILL 80

1970

An Act to establish The District Municipality of Muskoka

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

INTERPRETATION

1.—In this Act,

Interpre-
tation

- (a) “area municipality” means the municipality or corporation of the Town of Bracebridge, the Township of Georgian Bay, the Town of Gravenhurst, the Town of Huntsville, the Township of Lake of Bays and the Township of Muskoka Lakes, all as constituted by section 2;
- (b) “bridge” means a public bridge, and includes a bridge forming part of a highway or on, over, under or across which a highway passes;
- (c) “chairman” means the chairman of the District Council;
- (d) “debt” includes any obligation for the payment of money;
- (e) “Department” means the Department of Municipal Affairs;
- (f) “divided municipality” means a local municipality parts of which are annexed to two or more municipalities under subsection 1 of section 2;
- (g) “District Area” means the area from time to time included within the area municipalities;
- (h) “District Corporation” means The District Municipality of Muskoka;

- (i) "District Council" means the council of the District Corporation;
- (j) "district road" means a road forming part of the district road system established under Part IV;
- (k) "highway" and "road" mean a common and public highway or any part thereof, and include a street, bridge, and any other structure incidental thereto or any part thereof;
- (l) "land" includes lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water, and includes any buildings or improvements on land;
- (m) "local board" means any school board, public utility commission, transportation commission, public library board, board of park management, local board of health, board of commissioners of police, planning board or any other board, commission, committee, body or local authority established or exercising any power or authority under any general or special Act with respect to any of the affairs or purposes, including school purposes, of the District Corporation or of an area municipality or of two or more area municipalities or parts thereof;
- (n) "local municipality" means in the year 1970 a local municipality and a geographic township in the District Area and the portion of the geographic township of Finlayson included in the District Area;
- (o) "Minister" means the Minister of Municipal Affairs;
- (p) "money by-law" means a by-law for contracting a debt or obligation or for borrowing money, other than a by-law passed under section 113;
- (q) "Municipal Board" means the Ontario Municipal Board.

PART I

AREA MUNICIPALITIES

Constitution
of area
municipalities

2.—(1) On the 1st day of January, 1971,

- (a) The Corporation of the Town of Bracebridge, The Corporation of the Township of Oakley, The Corporation of the Township of Macaulay and The

Corporation of the Township of Draper are amalgamated as a town municipality bearing the name of The Corporation of the Town of Bracebridge and the portions of the Township of Monck, the Township of Muskoka, and the Township of McLean described as follows are annexed to such town:

FIRSTLY, part of the Township of Monck, commencing at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township of the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom that part of the Town of Bracebridge lying within the Corporation Boundary of the said Town;

SECONDLY, part of the Township of Muskoka, commencing at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement;

THIRDLY, part of the Township of McLean commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

- (b) The Corporation of the Township of Freeman together with the geographic township of Gibson and the geographic township of Baxter are amalgamated as a township municipality bearing the name of The Corporation of the Township of Georgian Bay;
- (c) The Corporation of the Town of Gravenhurst, The Corporation of the Township of Morrison and The Corporation of the Township of Ryde are amalgamated as a town municipality bearing the name of The Corporation of the Town of Gravenhurst and the portions of the Township of Muskoka and the Township of Wood described as follows are annexed to such town:

FIRSTLY, part of the Township of Muskoka, commencing at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly, and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Lake Muskoka;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Town of Gravenhurst;

SECONDLY, part of the Township of Wood, commencing at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement;

- (d) The Corporation of the Town of Huntsville, The Corporation of the Village of Port Sydney, The Corporation of the Township of Brunel, The Corporation of the Township of Chaffey, The Corporation of the Township of Stisted and The Corporation of the Township of Stephenson are amalgamated as a town municipality bearing the name of The Corporation of the Town of Huntsville;
- (e) The Corporation of the Township of Franklin, The Corporation of the Township of Ridout and the geographic township of Sinclair are amalgamated as a township municipality bearing the name of The Corporation of the Township of Lake of Bays and the portions of the Township of McLean and the geographic township of Finlayson described as follows are annexed to the said Township of Lake of Bays;

FIRSTLY, part of the Township of McLean, commencing at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement;

SECONDLY, part of the geographic township of Finlayson, commencing at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said Township;

THENCE westerly along the said northerly boundary to the northwest corner of the said Township;

THENCE southerly along the westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement;

- (f) The Corporation of the Town of Bala, The Corporation of the Village of Port Carling, The Corporation of the Village of Windermere, The Corporation of the Township of Cardwell and The Corporation of the Township of Watt are amalgamated as a township municipality bearing the name of The Corporation of the Township of Muskoka Lakes and the portions of the Township of Medora and Wood and the Township of Monck described as follows are annexed to such Township:

FIRSTLY, part of The Corporation of the United Townships of Medora and Wood commencing at the northwest corner of the Township of Medora;

THENCE southerly along the westerly boundary of the Township of Medora and the westerly boundary of the Township of Wood and easterly along the southerly boundary of the Township of Wood to its intersection with the production southerly of the easterly limit of the said Lot 9 Concession XX Township of Wood;

THENCE northerly to and along the eastern limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production northerly to its intersection with the easterly limit of the Township of Wood;

THENCE northerly and easterly along the boundary between the townships of Wood and Muskoka to its intersection with the boundary between the townships of Wood and Monck;

THENCE northwesterly along the boundary between the townships of Wood and Monck to its intersection with the boundary between the townships of Medora and Monck;

THENCE northerly along the boundary between the townships of Medora and Monck to its intersection with the boundary between the townships of Medora and Watt;

THENCE northerly along the boundary between the townships of Medora and Watt to the northeast corner of the Township of Medora;

THENCE westerly along the northerly boundary of the township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Corporation Boundary of the Village of Port Carling and the Corporation Boundary of the Town of Bala;

SECONDLY, part of the Township of Monck, commencing at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

NOTE: *All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.*

Amalgama-
tions and
annexations
deemed by
Municipal
Board
orders

R.S.O. 1960,
cc. 274, 249

(2) For the purposes of every Act, the amalgamations and annexations provided for in this Part shall be deemed to have been effected by order of the Municipal Board not subject to section 42 of *The Ontario Municipal Board Act* or to petition or appeal under section 94 or 95 of such Act, made on the day this section comes into force pursuant to applications made under sections 14 and 25 of *The Municipal Act* and subject to the provisions of this Act the Municipal Board, upon the application of any area municipality or any local board thereof or of its own motion, may exercise its powers consequent upon such amalgamations, annexations and dissolutions, and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such powers, and "municipalities" in clause a of subsection 10 of section 14 of *The Municipal Act* includes, for the purposes of such clause, the area municipalities to which territory is annexed.

Wards of
area municipi-
palities;
Bracebridge

3.—(1) The area municipality of the Town of Bracebridge is divided into the following wards:

1. Bracebridge Ward — which shall comprise the area of the Town of Bracebridge as it exists on the 1st day of July, 1970.
2. Draper Ward — which shall comprise the area of the Township of Draper as it exists on the 1st day of July, 1970.
3. Macaulay Ward — which shall comprise the area of the Township of Macaulay as it exists on the 1st day of July, 1970.
4. Monck South Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the intersection of the northerly boundary of the said Township with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 in concessions XIII, XII, XI, X, IX, VIII, VII, VI and V to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between Concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° west through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE southeasterly along the said boundary to its intersection with the boundary between the townships of Monck and Muskoka;

THENCE in a general easterly direction along the said boundary through Lake Muskoka and Muskoka River to the southeast corner of the Township of Monck;

THENCE northerly along the easterly boundary of the said Township to the northeast corner of the said Township;

THENCE westerly along the northerly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Bracebridge Ward.

5. Muskoka North Ward — which shall comprise the part of the Township of Muskoka being more particularly described as follows:

COMMENCING at the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka;

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE northerly through Lake Muskoka following the said boundary to its intersection with the boundary between the townships of Muskoka and Monck;

THENCE easterly through Lake Muskoka and Muskoka River following the said boundary between the townships of Muskoka and Monck to the point of commencement.

6. Oakley Ward — which shall comprise the area of the Township of Oakley as it exists on the 1st day of July, 1970, together with part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE southerly along the said westerly boundary to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

Georgian
Bay

- (2) The area municipality of the Township of Georgian Bay is divided into the following wards:

1. Baxter Ward — which shall comprise the area of the geographic township of Baxter as it exists on the 1st day of July, 1970.

2. Freeman Ward — which shall comprise the area of the Township of Freeman as it exists on the 1st day of July, 1970.
3. Gibson Ward — which shall comprise the area of the geographic township of Gibson as it exists on the 1st day of July, 1970.

(3) The area municipality of the Town of Gravenhurst is ^{Gravenhurst} divided into the following wards:

1. Gravenhurst Ward — which shall comprise the area of the Town of Gravenhurst as it exists on the 1st day of July, 1970.
2. Morrison Ward — which shall comprise the area of the Township of Morrison as it exists on the 1st day of July, 1970.
3. Muskoka South Ward — which shall comprise part of the Township of Muskoka and part of the Township of Wood, being more particularly described as follows:

Part of Township of Muskoka.

COMMENCING at the intersection of the easterly boundary of the said Township with the production easterly of the south limit of Concession X;

THENCE westerly to and along the southerly limit of Concession X and its production into Lake Muskoka, 10 chains from the original high water mark of Lake Muskoka.

THENCE North $15^{\circ} 41'$ West 90 chains, more or less, through Lake Muskoka to its intersection with a line drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of Heydon Island in Lake Muskoka;

THENCE South $74^{\circ} 19'$ West 211 chains, more or less, through Lake Muskoka to a point distant 16 chains drawn on a bearing of North $74^{\circ} 19'$ East from the most southerly point of said Heydon Island;

THENCE North $15^{\circ} 41'$ West 91 chains, more or less, through Lake Muskoka to its intersection with the boundary between the townships of Muskoka and Wood;

THENCE southwesterly, northwesterly and southwesterly following the said boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly along the division line between the townships of Muskoka and Wood to the northwest angle of that part of the Township of Muskoka lying west of Muskoka Lake;

THENCE southerly along the westerly boundary of the said Township to the southwest corner of the said Township;

THENCE easterly along the southerly boundary of the said Township to the southeast corner of the said Township;

THENCE northerly along the easterly boundary of the said Township to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within the Gravenhurst Ward;

Part of Township of Wood

COMMENCING at the intersection of the production northerly of the easterly limit of Lot 9 Concession VI with the easterly limit of the Township of Wood (being the centre line of the allowance for road between the townships of Muskoka and Wood);

THENCE southerly along the easterly boundary of the said Township (being the westerly boundary of the Township of Muskoka) to the northerly boundary of the Township of Morrison;

THENCE westerly along the northerly boundary of the Township of Morrison;

THENCE southerly along the westerly boundary of the Township of Morrison to the southeast corner of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood being the centre line of the Severn River to its intersection with the east limit of Lot 9 in Concession XX, produced southerly;

THENCE northerly to and along the easterly limit of Lots 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI to the point of commencement.

4. Ryde Ward — which shall comprise the area of the Township of Ryde as it exists on the 1st day of July, 1970.

(4) The area municipality of the Town of Huntsville is ^{Huntsville} divided into the following wards:

1. Brunel Ward — which shall comprise the area of the Township of Brunel as it exists on the 1st day of July, 1970.
2. Chaffey Ward — which shall comprise the area of the Township of Chaffey as it exists on the 1st day of July, 1970.
3. Huntsville Ward — which shall comprise the area of the Town of Huntsville as it exists on the 1st day of July, 1970.
4. Port Sydney Ward — which shall comprise the area of the Village of Port Sydney as it exists on the 1st day of July, 1970.
5. Stephenson Ward — which shall comprise the area of the Township of Stephenson as it exists on the 1st day of July, 1970.
6. Stisted Ward — which shall comprise the area of the Township of Stisted as it exists on the 1st day of July, 1970.

(5) The area municipality of the Township of Lake of Bays ^{Lake of Bays} is divided into the following wards:

1. Franklin Ward — which shall comprise the area of the Township of Franklin as it exists on the 1st day of July, 1970.
2. McLean Ward — which shall comprise part of the Township of McLean being more particularly described as follows:

COMMENCING at the intersection of the westerly boundary of the said Township with the production westerly of the south limit of Concession IV;

THENCE northerly along the said westerly boundary to the northwest corner of the said Township;

THENCE easterly along the northerly boundary of the said Township to the northeast corner of the said Township;

THENCE southerly along the easterly boundary of the said Township to its intersection with the production easterly of the south limit of Concession IV;

THENCE westerly to and along the south limit of Concession IV and its production westerly to the point of commencement.

3. Ridout Ward — which shall comprise the area of the Township of Ridout as it exists on the 1st day of July, 1970.
4. Sinclair Ward — which shall comprise the area of the geographic township of Sinclair as it exists on the 1st day of July, 1970 and part of the geographic township of Finlayson in the District of Nipissing being more particularly described as follows:

COMMENCING at the intersection of the centre line of the original allowance for road between lots 20 and 21 produced northerly with the northerly boundary of the said township of Finlayson;

THENCE westerly along the said northerly boundary to the northwest corner of the said township of Finlayson;

THENCE southerly along the westerly boundary to the southwest corner of the said township of Finlayson;

THENCE easterly along the southerly boundary to its intersection with the centre line of the original allowance for road between lots 20 and 21 produced southerly;

THENCE northerly to and along the said centre line of the original allowance for road between lots 20 and 21 and its production northerly to the point of commencement.

Muskoka
Lakes

(6) The area municipality of the Township of Muskoka Lakes is divided into the following wards:

1. Bala Ward — which shall comprise the area of the Town of Bala as it exists on the 1st day of July, 1970.
2. Cardwell Ward — which shall comprise the area of the Township of Cardwell as it exists on the 1st day of July, 1970.

3. Medora and Wood Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at a point on the west boundary of the Township of Medora at its intersection with the production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the said road allowance and the production easterly thereof to a point in Lake Joseph measured easterly along the said production being distant 30 chains from its intersection with the production northerly of the division line between lots 16 and 17;

THENCE southeasterly through Lake Joseph along a straight line to a point on the southerly shore of its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the said road allowance to the centre line of the road allowance and its production southerly between concessions E and F;

THENCE westerly along the centre line of the road allowance between concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE southeasterly along the said connecting line to the shore of East Bay of Lake Muskoka;

THENCE southerly along the centre line of the road allowance between lots 15 and 16 to its intersection with the centre line of the road allowance between concessions IX and X for the said Township of Wood;

THENCE westerly along the centre line of the road allowance between concessions IX and X and the production westerly thereof to its intersection with the western limit for the said Township of Wood;

THENCE northerly along the western limit of the said Township of Wood and the western limit of the said Township of Medora to the point of commencement;

SAVING AND EXCEPTING thereout and therefrom the lands lying within Bala Ward.

4. Monck North Ward — which shall comprise part of the Township of Monck being more particularly described as follows:

COMMENCING at the northwest corner of the said Township;

THENCE easterly along the northerly boundary to its intersection with the production northerly of the east limit of Lot 5 Concession XIII;

THENCE southerly to and along the easterly limit of Lot 5 to the intersection of the easterly limit of Lot 5 Concession V produced southerly with the centre line of the original allowance for road between concessions IV and V;

THENCE westerly along the said centre line of the original allowance for road between concessions IV and V to its intersection with the original high water mark of Lake Muskoka;

THENCE North 85° West through Lake Muskoka to its intersection with the production southerly of the centre line of the original allowance for road between lots 15 and 16 in Concession VI;

THENCE South 10° West through Lake Muskoka a distance of 43 chains;

THENCE North 80° West through Lake Muskoka between Pine and Birch Islands, 136 chains;

THENCE South 10° West through Lake Muskoka to its intersection with the boundary between the townships of Monck and Wood;

THENCE northwesterly along the boundary between the townships of Monck and Wood and the boundary between the townships of Monck and Medora to its intersection with the westerly boundary of the Township of Monck;

THENCE northerly along the said westerly boundary to the point of commencement.

5. Port Carling Ward — which shall comprise the area of the Village of Port Carling as it exists on the 1st day of July, 1970.
6. Medora North Ward — which shall comprise part of the Township of Medora and Wood being more particularly described as follows:

COMMENCING at the northwest angle of the Township of Medora;

THENCE southerly along the westerly limit of the said Township to its intersection with a production westerly of the centre line of the road allowance between concessions IV and V for the said Township;

THENCE easterly along the centre line of the road allowance between concessions IV and V and the production easterly thereof to a point in Lake Joseph, measured easterly along the said production and distant 30 chains from its intersection with the division line between lots 16 and 17 in Concession IV;

THENCE southeasterly through Lake Joseph on a straight line to a point on the southerly shore at its intersection with the division line between concessions III and IV at the rear of Lot 24;

THENCE easterly along the said division line and its production easterly to the production northerly of the centre line of the road allowance between lots 25 and 26;

THENCE southerly to and along the centre line of the road allowance and its production southerly to the centre line of the road allowance between concessions E and F;

THENCE westerly along the centre line of the road allowance between the said concessions E and F to the east shore of North Bay of Lake Muskoka;

THENCE in a southeasterly direction following the said shore to the most southerly point of Mortimer's Point;

THENCE southeasterly in a straight line through Lake Muskoka to a point on the geographical boundary between the Township of Medora and Wood at its intersection with a line connecting a point on the south shore of East Bay of Lake Muskoka at its intersection with the centre line of the road allowance between lots 15 and 16 Concession V for the Township of Wood with a point on the north shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 in Concession D in the Township of Medora;

THENCE in a general northeasterly direction through Lake Muskoka following the geographical boundary between the said Township of Medora and Wood and the boundary between Medora and Monck to its intersection with the north shore of Lake Muskoka being the most southeasterly angle of the boundary of the Village of Port Carling;

THENCE northwesterly, northerly and southeasterly following the boundary of the said Village of Port Carling to a point on the shore of Lake Rosseau at its intersection with the east boundary of the Township of Medora;

THENCE in a general northerly direction through Lake Rosseau following the eastern limit of the said Township of Medora to its intersection with the northerly limit of the said Township;

THENCE westerly along the northerly limit of the said Township to the point of commencement.

7. Watt Ward—which shall comprise the area of the Township of Watt as it exists on the 1st day of July, 1970.
8. Windermere Ward—which shall comprise the area of the Village of Windermere as it exists on the 1st day of July, 1970.
9. Wood South Ward—which shall comprise part of the townships of Medora and Wood being more particularly described as follows:

COMMENCING at a point in the westerly boundary of the Township of Wood at its intersection with the production westerly of the centre line of the road allowance between concessions IX and X of the said Township;

THENCE easterly along the centre line of the said road allowance to the centre line of the road allowance between lots 15 and 16;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE northerly along the centre line of the road allowance between the said lots 15 and 16 to its intersection with the southerly shore of East Bay of Lake Muskoka;

THENCE northwesterly through Lake Muskoka along the straight line connecting the hereinbefore described point on the shore of East Bay with a point on the shore of Lake Muskoka at its intersection with the centre line of the road allowance between lots 30 and 31 for the Township of Medora, to its intersection with the geographical boundary between the Township of Medora and Wood;

THENCE in a general northeasterly direction, following the geographical boundary between the Township of Medora and Wood through Lake Muskoka to its intersection with the geographical boundary between the townships of Wood and Muskoka;

THENCE southwesterly, northwesterly and southwesterly following the boundary between the townships of Muskoka and Wood through Lake Muskoka to the original high water mark of Lake Muskoka;

THENCE westerly and southerly along the division line between the townships of Muskoka and Wood to the production northerly of Lot 9 Concession VI of the Township of Wood;

THENCE southerly to and along the easterly limit of Lot 9 in concessions XX, XIX, XVIII, XVII, XVI, XV, XIV, XIII, XII, XI, X, IX, VIII, VII and VI and its production to its intersection with the southerly boundary of the said Township of Wood;

THENCE westerly following the southerly boundary of the said Township of Wood to its intersection with the westerly limit of the said Township;

THENCE northerly along the westerly limit of the said Township being the easterly limit of the Township of Baxter and the Township of Gibson to the point of commencement.

NOTE: All Bearings are astronomic and are referred to the meridian passing through the northeast corner of the Township of Monck.

(7) On and after the 1st day of January, 1971, the council of each area municipality shall be composed of a mayor, who shall be elected by general vote and shall be the head of the council, and such other members elected in the wards in the area municipality as follows:

Ward representation on area councils

1. The Town of Bracebridge:

Bracebridge Ward.....	Three members
Draper Ward.....	One member
Macaulay Ward.....	One member
Monck South Ward.....	One member
Muskoka North Ward.....	One member
Oakley Ward.....	One member

2. The Township of Georgian Bay:

Baxter Ward.....	Two members
Freeman Ward.....	Two members
Gibson Ward.....	One member

3. The Town of Gravenhurst:

Gravenhurst Ward.....	Three members
Morrison Ward.....	Two members
Muskoka South Ward.....	Two members
Ryde Ward.....	One member

4. The Town of Huntsville:

Brunel Ward.....	One member
Chaffey Ward.....	Two members
Huntsville Ward.....	Two members
Port Sydney Ward.....	One member
Stephenson Ward.....	One member
Stisted Ward.....	One member

5. The Township of Lake of Bays:

Franklin Ward.....	Two members
McLean Ward.....	One member
Ridout Ward.....	One member
Sinclair Ward.....	One member

6. The Township of Muskoka Lakes:

Bala Ward.....	One member
Cardwell Ward.....	One member

Medora and Wood Ward.....	One member
Monck North Ward.....	One member
Port Carling Ward.....	One member
Medora North Ward.....	One member
Watt Ward.....	One member
Windermere Ward.....	One member
Wood South Ward.....	One member

First
elections
and terms
of office

(8) Elections for the first council of each area municipality shall be held in the year 1970, and the day for polling shall be the 5th day of October and the first councils elected shall hold office for the years 1971 and 1972

Idem

(9) For the purposes of the elections of the first council of the area municipalities,

(a) the Minister shall by order,

(i) fix the days, times and places of nominations and provide for the holding of nomination meetings, the appointment of returning officers, the holding of the elections, the preparation of voters' lists, the qualifications of candidates, and

(ii) provide for all such other matters as he considers necessary to hold the elections; and

R.S.O. 1960,
c. 249

(b) persons who are qualified under clauses *a*, *b* and *c* of subsection 1 of section 37 of *The Municipal Act* and are resident in a local municipality or part thereof within the District Area between the 1st day of January, 1970, and the day of the poll are entitled to be entered on the voters' list of the area municipality in which the local municipality or part is included in addition to those ordinarily so entitled.

Organiza-
tion com-
mittee in
1970

(10) The members of the council of each area municipality elected in the year 1970 shall comprise a committee in their respective area municipalities to do anything in that year necessary for the purposes of organization, policy and planning of the area municipality.

Expenses
of first
elections

(11) The expenses of the local municipalities for the elections to elect members of the area municipalities in the year 1970 shall, as approved by the Minister, be paid out of the Consolidated Revenue Fund.

(12) Except as otherwise provided in this Act, no elections for council shall be held in the year 1970 in the villages of Port Sydney and Windermere and the incumbent councils thereof shall continue in office until the 31st day of December, 1970.

No elections,
Port Sydney
and
Windermere

4.—(1) In every area municipality,

Meetings
of electors
for nomina-
tion of
candidates
and polling
day

(a) meetings of electors for the nomination of candidates for council and for any local board, any members of which are to be elected by ballot by the electors, shall be held in the year 1972 and in every second year thereafter on the second Monday preceding the first Monday in December; and

(b) the day for polling in the year 1972 and in every second year thereafter shall be the first Monday in December, and the polls shall be open between the hours of 10 o'clock in the morning and 8 o'clock in the evening.

(2) The council of every area municipality, before the 1st day of November in the year 1972 and in every second year thereafter, shall pass a by-law naming the place or places and time or times at which the nomination meeting or meetings shall be held.

Place of
nomination
meeting

(3) The members of the council of each area municipality and such local boards, commencing with such councils and local boards which take office on the 1st day of January, 1973, shall hold office for a two-year term and until their successors are elected and the new council or board is organized.

Term of
office

(4) Each area municipality shall be deemed to have passed a by-law providing for a resident voters' list under *The Municipal Franchise Extension Act*, and the assent of the electors as required therein shall be deemed to have been received.

Resident
voters' list
R.S.O. 1960,
c. 254

5. This Part comes into force on the day this Act receives Royal Assent.

Commence-
ment of
Part

PART II

INCORPORATION AND COUNCIL OF DISTRICT AREA

6.—(1) On the 19th day of October, 1970, the inhabitants of the District Area are hereby constituted a body corporate under the name of The District Municipality of Muskoka.

District
Corporation
constituted

Deemed
municipality
under
R.S.O. 1960,
cc. 98, 274

(2) The District Corporation shall be deemed to be a municipality for the purposes of *The Department of Municipal Affairs Act* and *The Ontario Municipal Board Act*.

Provisional
judicial
district

(3) The District Municipality of Muskoka is for judicial purposes a provisional judicial district.

Registry
and land
titles
divisions
not affected

(4) Nothing in this Act shall be deemed to alter the boundaries of any registry or land titles division.

District
Council to
exercise
corporate
powers

7.—(1) The powers of the District Corporation shall be exercised by the District Council and, except where otherwise provided, the jurisdiction of the District Council is confined to the District Area.

Powers
exercised
by by-laws

(2) Except where otherwise provided, the powers of the District Council shall be exercised by by-law.

Not to be
quashed as
unreason-
able

(3) A by-law passed by the District Council in the exercise of any of its powers and in good faith shall not be open to question or be quashed, set aside or declared invalid either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them.

Composition
of District
Council

8.—(1) The District Council shall consist of twenty-three members composed of a chairman and,

- (a) in the year 1970, the mayor-elect of each area municipality and thereafter the mayor of each area municipality;
- (b) three members elected by the council of the area municipality of the Town of Bracebridge as follows,
 - (i) one member elected to such council for Bracebridge Ward,
 - (ii) one member elected to such council for either Monck South Ward or Muskoka North Ward,
 - (iii) one member elected to such council for one of the wards of Draper, Macaulay or Oakley;
- (c) two members elected by the council of the area municipality of the Township of Georgian Bay as follows,
 - (i) one member elected to such council for Baxter Ward,
 - (ii) one member elected to such council for either Freeman Ward or Gibson Ward;

- (d) three members elected by the council of the area municipality of the Town of Gravenhurst as follows,
 - (i) one member elected to such council for Gravenhurst Ward,
 - (ii) one member elected to such council for Muskoka South Ward,
 - (iii) one member elected to such council for either Morrison Ward or Ryde Ward;
- (e) three members elected by the council of the area municipality of the Town of Huntsville as follows,
 - (i) one member elected to such council for Huntsville Ward,
 - (ii) one member elected to such council for Chaffey Ward,
 - (iii) one member elected to such council for one of the wards of Brunel, Port Sydney, Stephenson and Stisted;
- (f) two members elected by the council of the area municipality of the Township of Lake of Bays as follows,
 - (i) one member elected to such council for either Franklin Ward or Sinclair Ward,
 - (ii) one member elected to such council for either Ridout Ward or McLean Ward;
- (g) three members elected by the council of the area municipality of the Township of Muskoka Lakes as follows,
 - (i) one member elected to such council for one of the wards of Bala, Port Carling or Windermere,
 - (ii) one member elected to such council for one of the wards of Cardwell, Monck North or Watt,
 - (iii) one member elected to such council for one of the wards of Medora and Wood, Medora North or Wood South.

Method of
election of
District
Council in
1970

(2) In the year 1970, the committee for each area municipality established by subsection 10 of section 3 shall meet on or before the 13th day of October, 1970 and shall elect the number of members to the District Council for such area municipality as provided by subsection 1 and the members so elected shall hold office for the years 1970, 1971 and 1972.

Biennial
election of
District
Council

(3) In the year 1973 and in every second year thereafter the council of each area municipality shall at its first meeting in each such year elect its members to the District Council.

Appoint-
ment of first
chairman

9.—(1) The chairman shall be appointed by the Lieutenant Governor in Council before the 19th day of October, 1970, to hold office at pleasure during the years 1970 to 1974 inclusive and until his successor is elected or appointed in accordance with this Act, and the chairman appointed under this subsection shall be paid out of the Consolidated Revenue Fund such remuneration as the Lieutenant Governor in Council may determine.

Election of
chairman

(2) At the first meeting of the District Council in the year 1975 and in every second year thereafter at which a quorum is present, the District Council shall organize as a council and elect as chairman one of the members of the District Council, or any other person, to hold office for that year and the following year and until his successor is appointed or elected in accordance with this Act, and at such meeting the clerk shall preside until the chairman is elected.

Where
chairman
member of
area council

(3) Where a member of the council of an area municipality becomes chairman, he shall be deemed to have resigned as a member of such council, and his seat on such council thereby becomes vacant.

Failure to
elect
chairman

(4) If, at the first meeting of the District Council in the year 1975 and any subsequent first meeting, a chairman is not elected, the presiding officer may adjourn the meeting from time to time, and, if a chairman is not elected at any adjourned meeting held within one week after the first meeting, the Lieutenant Governor in Council shall appoint a chairman to hold office for that year and the following year and until his successor is elected or appointed in accordance with this Act.

First
meeting
1970

10.—(1) The first meeting of the District Council in the year 1970 shall be held on or after the 19th day of October, 1970, at such date, time and place as the chairman may determine, and the chairman shall give to each person entitled to be a member of the District Council at least forty-eight hours notice of the date, time and place of the meeting and shall preside at the meeting.

First
meeting
of area
councils

(2) Notwithstanding any general or special Act, the first meeting of the council of each area municipality in the year

1971 and in every second year thereafter shall be held not later than the 8th day of January.

(3) The first meeting of the District Council in the year 1973 and in every second year thereafter shall be held after the councils of the area municipalities have held their first meetings in the year, but in any event not later than the 15th day of January on such date and at such time and place as may be fixed by by-law of the District Council. First meeting of District Council

(4) Subject to subsection 5, a person entitled to be a member of the District Council in accordance with section 8, other than the mayor of each area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the clerk of the area municipality that he represents and under the seal of such area municipality certifying that he is entitled to be a member under such section. Certificate of qualification

(5) A person entitled to be a member of the first District Council in accordance with section 8 other than a mayor-elect of an area municipality, shall not take his seat as a member until he has filed with the person presiding at the first meeting of the District Council that he attends a certificate under the hand of the mayor-elect of the area municipality that he represents certifying that he is entitled to be a member under such section. Idem

(6) The chairman, before taking his seat, shall take an oath of allegiance in Form 1 and a declaration of qualification in Form 2. Oath of allegiance, declaration of qualification

(7) No business shall be proceeded with at the first meeting of the District Council until after the declarations of office in Form 20 of *The Municipal Act* have been made by all members who present themselves for that purpose. Declarations of office
R.S.O. 1960, c. 249

(8) The District Council shall be deemed to be organized when the declarations of office have been made by a sufficient number of members to form a quorum as provided for in section 11. When council deemed organized

11.—(1) Twelve members of the District Council representing at least four area municipalities are necessary to form a quorum and the concurring votes of a majority of members present are necessary to carry any resolution or other measure. Quorum voting

(2) Subject to subsection 3, each member of the District Council has one vote only. One vote

(3) The chairman does not have a vote except in the event of an equality of votes. Chairman vote

12.—(1) When a vacancy occurs in the office of a chairman who has been appointed by the Lieutenant Governor in Vacancies, chairman

Council, some person shall be appointed by the Lieutenant Governor in Council to hold office as chairman for the remainder of the term of his predecessor.

Idem

(2) Except as provided in subsection 1, when a vacancy occurs in the office of chairman, the District Council shall, at a general or special meeting to be held within twenty days after the vacancy occurs, elect a chairman who may be one of the members of the District Council, or any other person, to hold office for the remainder of the term of his predecessor.

Idem

(3) If the District Council fails to elect a chairman within twenty days as required by subsection 1, the Minister may appoint a person as chairman to hold office for the remainder of the term of his predecessor.

Other members

(4) When a vacancy occurs in the office of a member other than the chairman or the head of the council of an area municipality, the council of the area municipality from which he was elected shall by by-law within thirty days after the vacancy occurs appoint a successor, who is eligible to be elected a member of the District Council, to hold office for the remainder of the term of his predecessor.

When seat to become vacant
R.S.O. 1960, c. 249

(5) Section 144 of *The Municipal Act*, except clauses *f*, *g* and *h*, applies to the District Council.

Where head of council incapacitated

(6) In the event that the head of a council of an area municipality is for any reason unable to fulfil his duties as a member of the District Council for a period exceeding one month, the council of the area municipality may by by-law appoint one of its members as an alternate representative to the District Council who shall act in the place and stead of the head of council during his incapacity, but no such by-law shall have effect for a period longer than one month from its effective date.

Remuneration

13. Members of the District Council, including the chairman, may be paid for services performed on and after the 1st day of January, 1971, such annual and other remuneration as the District Council may determine.

Committees

14. The District Council may from time to time establish such standing or other committees and assign to them such duties as it considers expedient.

Procedural by-laws

15. The District Council may pass by-laws for governing the proceedings of the District Council and any of its committees, the conduct of its members and the calling of meetings.

Head of Council

16.—(1) The chairman is the head of the District Council and is the chief executive officer of the District Corporation.

Chief administrative officer

(2) The District Council may by by-law appoint a chief administrative officer, who,

- (a) shall have such general control and management of the administration of the government and affairs of the District Corporation and perform such duties as the District Council by by-law prescribes;
- (b) shall be responsible for the efficient administration of all its departments to the extent that he is given authority and control over them by by-law;
- (c) shall hold office during the pleasure of the District Council; and
- (d) shall receive such salary as the District Council by by-law determines.

(3) Subsection 2 of section 239 of *The Municipal Act* ^{Application of R.S.O. 1960, c. 249, s. 239} applies to a chief administrative officer appointed under subsection 2.

17. When the chairman is absent from the District Area ^{Acting chairman} or absent through illness, or refuses to act, the District Council may by resolution appoint one of its members to act in his place and stead, and such member shall have and may exercise all the rights, powers and authority of the chairman during such absence or refusal to act.

18.—(1) Sections 192, 193, 195, 197, 198, 253, 275, 276, ^{Application of R.S.O. 1960, c. 249} 277, 278, 279, 280, and 406a of *The Municipal Act* apply *mutatis mutandis* to the District Corporation.

(2) Sections 190, 198a, 198b, 199 and 244 of *The Municipal Act* ^{Idem} apply *mutatis mutandis* to the District Council and to every local board of the District Council.

19.—(1) The District Council shall appoint a clerk, whose ^{Appointment of clerk} duty it is,

- (a) to record truly without note or comment, all resolutions, decisions and other proceedings of the District Council;
- (b) if required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) to keep in his office, or in the place appointed for that purpose, the originals of all by-laws and of all minutes of the proceedings of the District Council and its committees; and
- (d) to perform such other duties as may be assigned to him by the District Council.

(2) The District Council may appoint a deputy clerk who ^{Deputy clerk} shall have all the powers and duties of the clerk.

Acting
clerk

(3) When the office of clerk is vacant or the clerk is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting clerk *pro tempore* who shall have all the powers and duties of the clerk.

Acting
clerk, first
meeting

(4) The chairman appointed under subsection 2 of section 9 shall appoint an acting clerk who shall have all the powers and duties of the clerk for the purposes of the first meeting of the District Council in the year 1970 and thereafter until the District Council appoints a clerk or an acting clerk under this section.

Minutes
open to
inspection

20.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents in the possession or under the control of the clerk, except interdepartmental correspondence and reports of officials of any department or of solicitors for the District Corporation made to the District Council or any of its committees, and the clerk within a reasonable time shall furnish copies of them or extracts therefrom certified under his hand and the seal of the District Corporation to any applicant on payment at the rate of 15 cents for every 100 words or at such lower rate as the District Council may fix.

Index of
by-laws
affecting
land

(2) The clerk shall keep an index book in which he shall enter the number and date of all by-laws passed by the District Council that affect land or the use thereof in the District Area but do not directly affect the title to land.

Copies
certified by
clerk to be
receivable
in evidence

(3) A copy of any record, book or document in the possession or under the control of the clerk, purporting to be certified under his hand and the seal of the District Corporation, may be filed and used in any court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the court otherwise directs.

Appoint-
ment of
treasurer

21.—(1) The District Council shall appoint a treasurer who shall keep the books, records and accounts, and prepare the annual financial statements of the District Corporation and preserve and file all accounts of the District Corporation and perform such other duties as may be assigned to him by the District Council.

Deputy
treasurer

(2) The District Council may appoint a deputy treasurer who shall have all the powers and duties of the treasurer.

Acting
treasurer

(3) When the office of treasurer is vacant or the treasurer is unable to carry on his duties, through illness or otherwise, the District Council may appoint an acting treasurer *pro*

tempore who shall have all the powers and duties of the treasurer.

22.—(1) The treasurer shall receive and safely keep all money of the District Corporation, and shall pay out money to such persons and in such manner as the law in force in Ontario and the by-laws or resolutions of the District Council direct, provided that every cheque issued by the treasurer shall be signed by the treasurer and by some other person or persons designated for the purpose by by-law or resolution of the District Council, and any such other person before signing a cheque shall satisfy himself that the issue thereof is authorized. Receipt and disbursement of money

(2) Notwithstanding subsection 1, the District Council may by by-law, Signing of cheques

- (a) designate one or more persons to sign cheques in lieu of the treasurer; and
- (b) provide that the signature of the treasurer and of any other person authorized to sign cheques may be written or engraved, lithographed, printed or otherwise mechanically reproduced on cheques.

(3) The District Council may by by-law provide that the treasurer may establish and maintain a petty cash fund of an amount of money sufficient to make change and pay small accounts, subject to such terms and conditions as the by-law may provide. Petty cash fund

(4) Except where otherwise expressly provided by this Act, a member of the District Council shall not receive any money from the treasurer for any work or service performed or to be performed. When member may be paid

(5) The treasurer is not liable for money paid by him in accordance with a by-law or resolution of the District Council, unless another disposition of it is expressly provided for by statute. Treasurer's liability limited

23. Subject to subsection 3 of section 22, the treasurer shall, Bank accounts

- (a) open an account or accounts in the name of the District Corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved by the District Council;
- (b) deposit all money received by him on account of the District Corporation, and no other money, to the

credit of such account or accounts, and no other account; and

- (c) keep the money of the District Corporation entirely separate from his own money and from that of any other person,

and, notwithstanding subsection 1 of section 22, the District Council shall not by by-law or resolution direct any variance from the provisions of this section, nor shall the treasurer vary from such provisions.

Monthly
statement

24.—(1) The treasurer shall prepare and submit to the District Council, monthly, a statement of the money at the credit of the District Corporation.

Notice to
sureties

(2) Where the treasurer is removed from office or absconds, the District Council shall forthwith give notice to his sureties.

Appoint-
ment of
auditors

25.—(1) The District Council shall by by-law appoint one or more auditors who shall be persons licensed by the Department as municipal auditors and who shall hold office during good behaviour and be removable for cause upon the vote of two-thirds of the members of the District Council and the auditor or auditors so appointed shall audit the accounts and transactions of the District Corporation and of every local board of the District Corporation.

Cost of
audit

(2) Where an auditor audits the accounts and transactions of a local board, the cost thereof shall be paid by the District Corporation and charged back to the local board, and, in the event of a dispute as to the amount of the cost, the Department may upon application finally determine the amount thereof.

Disquali-
fication of
auditors

(3) No person shall be appointed as an auditor of the District Corporation who is or during the preceding year was a member of the District Council or of the council of an area municipality or of any local board the accounts and transactions of which it would as auditor be his duty to audit, or who has or during the preceding year had any direct or indirect interest in any contract with the District Corporation or an area municipality or any such local board, or any employment with any of them other than as an auditor.

Duties of
auditors

(4) An auditor shall perform such duties as are prescribed by the Department, and also such duties as may be required by the District Council or any local board of the District Corporation that do not conflict with the duties prescribed by the Department.

(5) The District Council may provide that all accounts shall be audited before payment. Audit of
accounts
before
payment

26.—(1) Sections 217, 223, 223*a*, 230, 232, 233, 234 and 236, subsections 1, 4 and 5 of section 238, sections 239, 240, 246 and 248*c* and paragraphs 58, 59, 60, 61 and 62 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation. Application
of
R.S.O. 1960,
c. 249

(2) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall be deemed to have elected to participate in the Ontario Municipal Employees Retirement System on the day this Part comes into force in respect of the employee if such employee was or was entitled to be a member of the Ontario Municipal Employees Retirement System on the day immediately preceding his employment with the District Corporation or local board thereof and such employee shall have uninterrupted membership or entitlement to membership, as the case may be, in the Ontario Municipal Employees Retirement System. Pensions

(3) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the local municipality or local board thereof for the purposes of his entitlement under any approved pension plan. Idem

(4) Where the District Corporation or local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the employee shall be deemed to remain an employee of the municipality or local board thereof until the District Corporation or local board thereof has established a sick leave credit plan for its employees, and the employees are entitled to receive such benefits from the District Corporation, whereupon the District Corporation or local board thereof shall place to the credit of the employee the sick leave credits standing to his credit in the plan of the municipality or local board thereof. Sick leave
credits

(5) Where the District Corporation or a local board thereof employs a person theretofore employed by a local municipality or a local board thereof within the District Area, the District Corporation or local board thereof shall, during the first year of his employment by the District Corporation or local board thereof, provide for such employee's holidays with pay equivalent to those to which he would have been entitled if he Holidays

had remained in the employment of the municipality or local board thereof.

**Offer of
employment**

(6) The District Council shall offer to employ every person who, on the 1st day of April, 1970, is employed in any undertaking of any local municipality or local board that is assumed by the District Corporation under this Act.

**Entitlement
to salary**

(7) Any person who accepts employment offered under subsection 6 shall be entitled to receive a wage or salary up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970.

**Application
of 1961-62,
c. 97**

(8) The District Corporation shall be deemed to be a municipality for the purposes of *The Ontario Municipal Employees Retirement System Act, 1961-62*.

**Offer of
employment**

(9) The employees of the local municipalities and the local boards thereof within the District Area, which are amalgamated or annexed in whole or in part to form an area municipality, who were employed by such a local municipality or local board on the 1st day of April, 1970, and continue to be so employed until the 31st day of December, 1970, except employees offered employment by the District Council under subsection 6, shall be offered employment by the council of the area municipality with which they are amalgamated or to which they are annexed and any person accepting employment under this subsection shall be entitled to receive a wage or salary, up to and including the 31st day of December, 1971, of not less than that which he was receiving on the 1st day of April, 1970.

**Sick leave
credits**

(10) Any sick leave credits standing, on the 31st day of December, 1970, to the credit of any person who accepts employment under subsection 9 shall be placed to the credit of such employee in any sick leave credit plan established by the new employer.

Holidays

(11) Any person who accepts employment under subsection 9 shall be entitled to receive during the first year of his employment such holidays with pay equivalent to those to which he would have been entitled if he had remained in the employment of the local municipality or local board by which he was formerly employed.

**Termination
of employ-
ment**

(12) Nothing in this section prevents any employer from terminating the employment of an employee for cause.

**Commence-
ment of
Part**

27. This Part comes into force on the day this Act receives Royal Assent.

PART III

DISTRICT SEWAGE WORKS

28.—(1) In this Part,

Interpre-
tation

- (a) “capital improvement” means an addition to or an extension, enlargement, alteration, replacement or other improvement of a work of such nature or character that it is usually and properly accounted for as a capital asset;
- (b) “land drainage” means storm, surface, overflow, subsurface or seepage waters or other drainage from land, but does not include sewage;
- (c) “sewage” means domestic sewage or industrial wastes, or both;
- (d) “sewage works” means an integral system consisting of a sewer or sewer system and treatment works;
- (e) “sewer” means a public sewer for common usage for the purpose of carrying away sewage or land drainage, or both;
- (f) “sewer system” means a system of two or more interconnected sewers having one or more common discharge outlets and includes pumping plant, force mains, siphons and other like work;
- (g) “treatment works” means buildings, structures, plant, machinery, equipment, devices, intakes and outfalls or outlets and other works designed for the treating of sewage or land drainage, or both, and includes the collecting, dispersing and disposing of sewage or land drainage as incidental thereto and land appropriated for such purposes and uses;
- (h) “work” means a sewer, sewer system, sewage works or treatment works, or a capital improvement of any of them.

(2) For the purpose of this Part, a sewer, sewer system or ^{Idem} sewage works, whether existing or proposed, shall be deemed to be a trunk sewer, trunk sewer system or trunk sewage works, if so declared by by-law of the District Council.

29.—(1) For the purpose of collecting or receiving from ^{General powers} the area municipalities, or any of them, sewage and land drainage and the treatment or disposal thereof, the District

Corporation has all the powers conferred by any general Act upon a municipal corporation and by any special Act upon any local municipality or local board thereof within the District.

Sewage
works
utilities
commission
prohibited

(2) The District Corporation shall not entrust the construction or the control and management of the district sewage works to a public utilities commission.

Construc-
tion, etc.,
of trunk
sewage
works

30. The District Council may pass by-laws for constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up trunk sewers, trunk sewer systems, trunk sewage works, treatment works and watercourses.

Assumption
of treat-
ment works

31.—(1) The District Council shall, before the 31st day of December, 1970, pass by-laws which shall be effective on the 1st day of January, 1971, assuming as district sewage works all treatment works operated for, by or on behalf of each area municipality or any local board thereof and all rights and obligations of an area municipality or local board in relation to such works, and on the day any such by-law becomes effective all the real and personal property in relation to the works designated therein vests in the District Corporation.

Other
works

(2) The District Council may at any time pass by-laws for assuming any trunk sewer, trunk sewer system, or watercourse vested in any area municipality or local board thereof, but no such by-law becomes effective before the 1st day of January, 1971.

Idem

(3) A by-law under subsection 1 or 2 shall designate and describe the works assumed.

Extension
of time

(4) Notwithstanding subsection 1, a by-law for assuming any specific treatment works may, with the approval of the Municipal Board, be passed after the 31st day of December, 1970, and in that case the by-law becomes effective on the date provided therein.

District
liability

(5) Where the District Corporation assumes a work or watercourse vested in an area municipality or local board,

- (a) no compensation or damages shall be payable to the area municipality or local board;
- (b) the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such work or watercourse, but nothing in this

clause requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owners' share of a local improvement work. R.S.O. 1960 c. 223

(6) If the District Corporation fails to make any payment as required by clause *b* of subsection 5, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. Default

(7) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the work or watercourse assumed, the Municipal Board, upon application, may determine the matter and its decision is final. Settling of doubts

32.—(1) Where any local municipality or a local board thereof within the District Area has agreed with any other municipality to receive sewage or land drainage from that other municipality, and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement, and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Existing agreements

(2) Where any local municipality or a local board thereof within the District Area has agreed with any person other than a municipality to receive sewage or land drainage and the works or watercourses used or required in carrying out such agreement are assumed by the District Corporation, the District Corporation becomes liable to receive such sewage or land drainage in accordance with the agreement and the area municipality or local board that would otherwise be bound by the agreement is relieved of all liability thereunder. Idem

(3) Notwithstanding subsections 1 and 2 and notwithstanding anything in any such agreement, the Municipal Board, upon the application of the District Council or of the council of any area municipality or of any person concerned, may by order terminate any such agreement and adjust all rights and liabilities thereunder. Termination

33.—(1) Where all the treatment works of an area municipality or any local board thereof are assumed by the District Corporation, the area municipality shall not thereafter establish, maintain or operate treatment works without the approval of the District Council. Powers of area municipalities restricted

Idem

(2) No area municipality shall establish or enlarge any treatment works after the 31st day of December, 1970, without the approval of the District Council.

Regulation
of system

34. The District Council may pass by-laws for the maintenance and management of its sewers, sewer system, sewage works, treatment works and watercourses and regulating the manner, extent and nature of the reception and disposal of sewage and land drainage from the area municipalities and every other matter or thing related to or connected therewith that it may be necessary and proper to regulate in order to secure to the inhabitants of the District Area an adequate system of sewage and land drainage disposal.

Special
benefit

35.—(1) Where, in the opinion of the District Council, an area municipality or a portion thereof will or may derive a special benefit from the assumption or construction and operation of a work or watercourse, the District Council may, with the approval of the Municipal Board, at the time of authorizing the construction, extension or improvement of the work, and at any time in respect of the assumption of the work, by by-law provide that the area municipality shall be chargeable with and shall pay to the District Corporation such portion of the capital cost thereof as the by-law specifies, and such by-law is binding on the area municipality.

Special
benefit

(2) When an area municipality receives a special benefit by the extension or improvement of a work and the capital cost of the work has already been apportioned by by-law, the Regional Council may with the approval of the Municipal Board repeal or amend any such by-law and reapportion the capital cost of such work among all the area municipalities which receive a special benefit therefrom.

Debt
payments

(3) Where any debt is incurred for the cost of the work, the area municipality chargeable under the by-law shall make payments to the District Corporation with respect to such debt proportionate to its share of the capital cost as set out in the by-law in the same manner as if the debt for such share had been incurred by the District Corporation for the purposes of the area municipality.

Raising of
money by
area municipalityR.S.O. 1960,
c. 249

(4) The area municipality may pay the amounts chargeable to it under this section out of its general funds or, subject to the approval of the Municipal Board, may pass by-laws under section 380 of *The Municipal Act* for imposing sewer rates to recover the whole or part of the amount chargeable to the area municipality in the same manner as if the work were being or had been constructed, extended or improved by the area municipality notwithstanding that in the by-law authorizing the work there was no provision for imposing, with the approval of the Municipal Board, upon owners or

occupants of land who derive or will or may derive a benefit from the work a sewer rate sufficient to pay for the whole or a portion or percentage of the capital cost of the work.

36.—(1) No municipality or person shall connect any local work, local watercourse, private drain or private sewer to a district work or watercourse without the approval of the District Council. ^{Connecting to district works}

(2) The District Corporation may enter into a contract with any local, district or regional municipality outside the District Area to receive and dispose of sewage and land drainage from such municipality on such terms and conditions as may be agreed upon for any period not exceeding twenty years, and may renew such contract from time to time for further periods not exceeding twenty years at any one time. ^{Agreements with other municipalities}

(3) Any engineer or other officer of the District Corporation has power to inspect the plans and specifications of any work referred to in subsection 1 and to inspect the work during its construction and before it is connected with the district work or watercourse. ^{Inspection}

37.—(1) The District Council may pass by-laws establishing standards for and regulating and governing the design, construction and maintenance of local works connected or to be connected to a district work or watercourse, and every area municipality and local board shall conform to such by-laws. ^{Standards for local systems}

(2) No area municipality or local board thereof shall enlarge, extend or alter any local work or watercourse that discharges into a district work or watercourse without the approval of the District Council. ^{Approval of local extensions, etc.}

38. If the council of an area municipality considers itself aggrieved by the refusal of the District Corporation or the District Council, ^{Appeals}

- (a) to assume as a district work any local work;
- (b) to construct, extend or improve any district work;
- (c) to receive any required volume of sewage or land drainage from the area municipality;
- (d) to approve the construction, alteration, improvement or extension of a local work;
- (e) to permit a connection or the continuance of a connection to any district work,

the council may appeal to the Municipal Board, which may make such order as it deems advisable in the matter, and the decision of the Municipal Board is final.

Special
sewage
service
rates

39.—(1) The District Council may pass by-laws, providing for imposing on and collecting from any area municipality, in respect of the whole or any designated part or parts thereof from which sewage and land drainage is received, a sewage service rate or rates sufficient to pay such portion as the by-law may specify of the annual cost of maintenance and operation of any district work or works.

Idem

(2) All such charges constitute a debt of the area municipality to the District Corporation and shall be payable at such times and in such amounts as may be specified by by-law of the District Council.

Raising of
money by
area muni-
cipality
R.S.O. 1960,
c. 249

(3) The area municipality may pay the amounts chargeable to it under any such by-law out of its general funds or may pass by-laws under section 380 of *The Municipal Act* for imposing sewage service rates to recover the whole or part of the amount chargeable to the area municipality.

Contribu-
tion to costs
of separa-
tion of
combined
sewers

40. The District Council may contribute moneys, out of the fund established under subsection 3 of section 111, toward the cost to any area municipality of the separation of sanitary and storm sewers now in existence in the area municipality, the construction of which commenced on or after the 1st day of January, 1970, such amount as it deems proper, not exceeding 25 per cent of the total cost thereof to the area municipality.

Transfer
of rights
over works
assumed

41. The District Corporation has, in respect of all works assumed, all the rights, powers, benefits and advantages conferred either by by-law or contract or otherwise upon the area municipality or area municipalities or their local boards with respect to such works before they were assumed by the District Corporation and the District Corporation may sue upon such rights or under such by-laws or agreements in the same manner and to the same extent as the area municipality or municipalities or local board or boards might have done if such works had not been assumed.

Inspection
of local
works

42. Any person authorized by the District Council has free access from time to time, upon reasonable notice given and request made, to all works within an area municipality and to all lands, buildings and premises used in connection therewith and the right, upon the like notice and request, to inspect and copy all plans, records and specifications and other information relating to the construction, extension or maintenance of such local works.

Use of
district
works

43. Any works assumed by the District Corporation under section 31 together with any extensions or additions thereto constructed by the District Corporation, may be used by

the District Corporation for the purpose of receiving and disposing of sewage and land drainage from any or all of the area municipalities and, subject to subsection 2 of section 36, from any local or district municipality outside the District Area.

44. This Part comes into force on the day this Act receives Royal Assent. Commence-
ment of
Part

PART IV

HIGHWAYS

45. In this Part,

Interpre-
tation

- (a) "approved" means approved by the Minister or of a type approved by the Minister;
- (b) "construction" includes reconstruction;
- (c) "Department" means the Department of Highways;
- (d) "maintenance" includes repair;
- (e) "Minister" means the Minister of Highways;
- (f) "road authority" means a body having jurisdiction and control of a highway.

46.—(1) The District Council shall pass a by-law establishing a district road system and designating the roads to be included therein as district roads, and such by-law shall be submitted to the Minister not later than the 30th day of June, 1971. By-laws
establishing
district road
system by
June 30,
1971

(2) Notwithstanding subsection 10, the by-law passed under subsection 1, as approved by the Lieutenant Governor in Council, shall be effective on the 1st day of January, 1972. By-law
effective
Jan. 1, 1972

(3) The District Council may by by-law from time to time add roads to or remove roads from the district road system, including such boundary line roads or portions thereof between the District Area and an adjoining municipality as may be agreed upon between the District Council and the council of the adjoining municipality. Adding
or removing
roads by
by-law

(4) The Lieutenant Governor in Council may transfer any highway under the jurisdiction and control of the Department within the District Area to the District Corporation and the highway shall for all purposes be deemed to be part Transfer of
provincial
highway to
District
Corporation

of the district road system on such date as is designated by the Lieutenant Governor in Council and to have been transferred under section 29 of *The Highway Improvement Act*.
 R.S.O. 1960,
 c. 171

Vesting of
 roads in
 District
 Corporation (5) Every road or part thereof that forms part of the district road system and the jurisdiction and control and the soil and freehold thereof are vested in the District Corporation.

Removal of
 roads from
 the district
 road system (6) The Lieutenant Governor in Council may remove any road from the district road system.

Roads
 removed
 from district
 road system (7) Where a road or a part thereof is removed from the district road system, except by reason of it being stopped-up pursuant to section 57, such road or part is thereupon transferred to and the jurisdiction and control and the soil and freehold thereof is thereupon vested in the area municipality in which it is situate, and the area municipality may sue upon any rights or under any agreements or by-laws in the same manner and to the same extent as the District Corporation in respect of such road.

Status of
 land
 acquired for
 widening
 district road (8) Notwithstanding subsection 10, where the District Corporation acquires land for the purpose of widening a district road, the land so acquired, to the extent of the designated widening, forms part of the road and is included in the district road system.

Consolidat-
 ing by-laws (9) The District Council shall, on or before the 1st day of May, 1977, pass a by-law consolidating all by-laws relating to the district road system, and shall at intervals of not more than five years thereafter pass similar consolidating by-laws.

Approval of
 by-laws by
 Lieutenant
 Governor in
 Council (10) Every by-law passed under this section shall be submitted to the Minister for approval by the Lieutenant Governor in Council and the Lieutenant Governor in Council may approve the by-law in whole or in part and, where the by-law is approved in part only, it shall be in force and take effect only so far as approved, but it shall not be necessary for the District Council to pass any further by-law amending the original by-law or repealing any part thereof that has not been approved, and every such by-law as approved is in force and has effect after the day named by the Lieutenant Governor in Council.

Plan of
 construct-
 tion and
 maintenance 47.—(1) The District Council shall adopt a plan of road construction and maintenance, and from time to time thereafter shall adopt such other plans as may be necessary.

(2) The District Corporation shall submit a by-law covering the estimated expenditure on the district road system for the calendar year to the Minister for his approval, not later than the 31st day of March of the year in which the expenditure is to be made. Submission of by-law covering estimated expenditure

(3) The District Corporation may, within the calendar year in which the expenditure is to be made, submit to the Minister for his approval a by-law covering the estimated expenditure on the district road system supplementing the by-law submitted under subsection 2. Supplementary by-law

(4) No grant shall be made toward work undertaken by the District Corporation that has not been provided for by a by-law duly approved by the Minister. Limit to grant

48. Where the District Corporation proposes the construction, improvement or alteration of a district road, it shall furnish the Minister with such detailed information as he may require. Information to Minister

49.—(1) The District Corporation shall annually, and may, with the consent of the Minister at any time during the year, submit to the Minister, Annual statement to Minister

- (a) a detailed statement of receipts and expenditures in the form prescribed by the Minister;
- (b) a declaration of the person appointed under section 69 that the statement of receipts and expenditures is correct and that the work has been done in accordance with the requirements of the Minister and with the approval of the proper officer of the Department;
- (c) a declaration of the treasurer of the District Corporation that the statement of receipts and expenditures is correct; and
- (d) a request for the payment of the grant, authorized by resolution of the District Council.

(2) Upon receipt of the statement, declarations and request and the approval thereof by the proper officer of the Department, the Minister may direct payment to the treasurer of the District Corporation out of moneys appropriated therefor by the Legislature of an amount equal to 50 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final. Payment to District Corporation

Advance
payments

(3) Notwithstanding subsection 2 but subject to section 47, the Minister may, in his discretion, direct payment to the District Corporation under this section on or after the 1st day of May in any year, of a sum not exceeding 25 per cent,

- (a) of the amount paid by the Minister under this section in respect of the preceding calendar year; or
- (b) of the average annual payments made by the Minister under this section in respect of the five preceding calendar years.

Payment for
road
improvement

(4) Notwithstanding subsection 2, where a plan of construction and maintenance of the district road system has been submitted to and approved by the Minister, the Minister may, upon consideration of the estimated money needs and the financial capability of the District Corporation, direct payment to the treasurer of the District Corporation out of the moneys appropriated therefor by the Legislature of such amount as he considers requisite but not exceeding 80 per cent of the amount of the expenditure that is properly chargeable to road improvement, and in all cases of doubt or dispute the decision of the Minister is final.

Contribution towards
expenditures

(5) Where a contribution has been made from any source whatsoever towards an expenditure to which this section applies, the amount of such contribution shall be deducted from the expenditure in the statement submitted to the Minister unless the Minister otherwise directs.

Expenditures for
construction,
maintenance
or repair

50. The roads included in the district road system shall be maintained and kept in repair by the District Corporation, and in all cases the Minister shall determine the amount of expenditure that is properly chargeable to road improvement, and his decision is final.

Powers over
roads in
district
road system

51. The District Corporation has, in respect of the roads included in the district road system, all the rights, powers, benefits and advantages conferred, and is subject to all liabilities imposed, either by statute, by-law, contract or otherwise upon the corporation of the area municipality or the corporations of two or more area municipalities which had jurisdiction over the roads before they became part of the district road system, and the District Corporation may sue upon such rights or under such contracts or by-laws in the same manner and to the same extent as the area municipality or municipalities might have done if the roads had not become part of the district road system.

52.—(1) The District Corporation is not by reason of a road forming part of the district road system under this Act liable for the construction or maintenance of sidewalks on any road or portion thereof in the district road system, but the area municipality in which such sidewalks are located continues to be liable for the maintenance of such sidewalks and is responsible for any injury or damage arising from the construction or presence of the sidewalks on such road or portion thereof to the same extent and subject to the same limitations to which an area municipality is liable under section 443 of *The Municipal Act* in respect of a sidewalk on a road over which a council has jurisdiction.

Sidewalks
excepted

R.S.O. 1960,
c. 249

(2) An area municipality may construct a sidewalk, storm sewer or other improvement or service on a district road, and the District Corporation may contribute to the cost of such sidewalk, storm sewer, improvement or service, but no such work shall be undertaken by an area municipality without first obtaining the approval of the District Council.

Area municipalities
may
construct
sidewalks
etc.

(3) The cost of any such sidewalk, storm sewer, improvement or service constructed on a district road may be met out of the general funds of the area municipality or the work may be undertaken in whole or in part as a local improvement under *The Local Improvement Act*.

How cost
provided

R.S.O. 1960,
c. 223

(4) An area municipality when constructing such a sidewalk, storm sewer, improvement or service on a district road shall conform to any requirements or conditions imposed by the District Council, and is responsible for any injury or damage arising from the construction or presence of the sidewalk, improvement or service on the road.

Area municipalities to
conform to
requirements
and be
responsible
for damages

(5) Subsection 4 of section 100 of *The Highway Improvement Act* does not apply to a sidewalk constructed on a district road by the council of a township.

R.S.O. 1960,
c. 171, s. 100,
subs. 4, not
to apply

53.—(1) The District Corporation may construct, install, maintain, or remove any works on a highway, other than a road under the jurisdiction and control of the Department, including traffic control devices, for the purpose of altering or regulating the flow of traffic upon entering or leaving a road in the district road system.

Installation
of traffic
control
devices

(2) The District Corporation may relocate, alter or divert any public road, other than a road under the jurisdiction and control of the Department, entering or touching upon or giving access to a road in the district road system.

Relocation
of inter-
secting
roads

Idem

(3) Where, in relocating, altering or diverting a public road under subsection 2, the District Corporation constructs a new road in lieu of the public road, the District Corporation may close the public road at the point of intersection with the district road and may vest the new road and the soil and freehold and jurisdiction and control thereof in the area municipality in which it is situate.

Construction
of storm
sewer, etc.,
on area
municipality
road

(4) Where the District Corporation constructs a sidewalk, storm sewer, improvement or service on a road under the jurisdiction and control of an area municipality, the area municipality may contribute to the cost of such sidewalk, storm sewer, improvement or service and the work may be undertaken in whole or in part under *The Local Improvement Act*.

R.S.O. 1960,
c. 223

Intersection
of other
roads by
district
roads

54. Where a district road intersects a road that is under the jurisdiction and control of an area municipality, the continuation of the district road to its full width across the road so intersected is a part of the district road system.

Dedication
of lands
abutting
regional
roads for
widening
purposes

55. When land abutting on a district road is dedicated for, or apparently for, widening the district road, the land so dedicated is part of the district road and the jurisdiction and control and the soil and freehold thereof is vested in the District Corporation subject to any rights in the soil reserved by the person who dedicated the land.

New roads

56. The District Council may pass by-laws for establishing and laying out new roads and for amending the by-law passed under section 46 by adding such new roads to the district road system, and the provisions of *The Municipal Act* with respect to the establishment and laying out of highways by municipalities apply *mutatis mutandis*.

R.S.O. 1960,
c. 249

Powers and
liabilities of
District
Corporation

57. With respect to the roads in the district road system and the regulation of traffic thereon, the District Corporation has all the powers conferred, and is subject to all the liabilities imposed, upon the council or corporation of a city by *The Municipal Act*, *The Highway Traffic Act* and any other Act with respect to highways.

R.S.O. 1960,
cc. 249, 172

Erection of
gasoline
pump and
advertising
device near
district road

58.—(1) The District Council may by by-law prohibit or regulate the placing or erecting of,

- (a) any gasoline pump within 150 feet of any limit of a district road;
- (b) any sign, notice or advertising device within one-quarter mile of any limit of a district road.

(2) A by-law passed under this section may provide for the issuing of permits for the placing or erecting of any gasoline pump, sign, notice or advertising device and may prescribe the form, terms and conditions thereof and the fees to be paid therefor. Permits

59.—(1) No by-law passed by an area municipality for the regulation of traffic on a highway under the jurisdiction and control of the area municipality, except a by-law for the regulation of parking, shall come into force until it has been approved by the District Council before it is submitted for approval under *The Highway Traffic Act*. By-laws of area municipalities regulating traffic
R.S.O. 1960, c. 172

(2) All signal-light traffic control devices heretofore or hereafter erected on a highway under the jurisdiction and control of an area municipality shall be operated, or erected and operated, in the manner prescribed by by-law of the District Council, and the District Council may delegate any of its powers in respect of the operation of such devices to an officer of the District Corporation designated in the by-law. Signal-light devices

(3) The District Corporation may contribute toward the cost of the erection of signal-light traffic control devices erected by an area municipality. Contribution toward cost of signal-lights

(4) Subject to *The Highway Traffic Act*, the District Council may pass by-laws to regulate traffic on any highway under the jurisdiction and control of an area municipality for a distance of 100 feet on either side of the limit of a district road, and, where there is any conflict between such a by-law and a by-law of an area municipality, the by-law passed under this subsection prevails to the extent of such conflict. Traffic control within 100 ft. of district roads

60. The District Council may by by-law authorize agreements between the District Corporation and the owners or lessees of land abutting on a highway for the construction, maintenance and use of walks for pedestrians over, across or under the highway upon such terms and conditions as may be agreed and for contributing to the whole or any part of the cost thereof, and for leasing or licensing the use of untravelled portions of such walks and adjoining lands to persons for such considerations and upon such terms and conditions as may be agreed. Agreement for pedestrian walks

61.—(1) Sections 452 and 454 of *The Municipal Act* do not apply to a bridge or highway crossing or forming a boundary between the District Area and an adjoining municipality where such bridge or highway is included in the district road system and in the road system of the municipality. Disputes as to maintenance, etc., of bridges and highways
R.S.O. 1960, c. 249

Idem (2) When there is a difference between the District Council and the council of a municipality in respect of any such bridge or highway as to the corporation upon which the obligation rests for the constructing or maintaining of the bridge or highway, or as to the proportions in which the corporations should respectively contribute thereto, or where the District Council and the council of the municipality are unable to agree as to any action, matter or thing to be taken or done in respect of such bridge or highway, every such difference shall be determined by the Municipal Board upon an application by the District Corporation or the corporation of the municipality.

Hearing by O.M.B. (3) The Municipal Board shall appoint a day for the hearing of the application, of which ten days notice in writing shall be given to the clerk of each municipality and of the District Corporation, and shall, at the time and place appointed, hear and determine all matters in difference between the municipalities in regard to such bridge or highway, and the Municipal Board may make such order with respect to the same as it may consider just and proper, and may by the order fix and determine the amount or proportion that each municipality shall pay or contribute toward the building and maintaining of such bridge or highway.

Term of order (4) An order made by the Municipal Board under this section is binding upon the municipalities for such period as the Municipal Board may determine, and is final and conclusive.

Boundary bridges
R.S.O. 1960, c. 249 **62.** Clause *b* of subsection 1 of section 419 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between area municipalities, and the councils of the area municipalities on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system.

Idem **63.** Section 434 of *The Municipal Act* does not apply to a bridge over a river, stream, pond or lake forming or crossing a boundary line between the District Area and an adjoining municipality, and the councils of the area municipality and the adjoining local municipality on either side of such boundary line have joint jurisdiction over every such bridge that is not included in the district road system.

Restrictions **64.—(1)** The District Council has, with respect to all land lying within a distance of 150 feet from any limit of a district road, all the powers conferred on the council of a local municipality by section 30 of *The Planning Act*.
R.S.O. 1960, c. 296

(2) In the event of conflict between a by-law passed under subsection 1 by the District Council and a by-law passed under section 30 of *The Planning Act* or a predecessor of such section by the council of a local municipality that is in force in the area municipality in which the land is situate, the by-law passed by the District Council prevails to the extent of such conflict. ^{Conflict with local by-law}

65.—(1) The District Council may by by-law designate any road in the district road system, or any portion thereof, as a controlled-access road. ^{Controlled-access roads}

(2) Subject to the approval of the Municipal Board, the District Council may by by-law close any municipal road that intersects or runs into a district controlled-access road. ^{Closing municipal roads}

(3) The Municipal Board may direct that notice of any application for approval of the closing of a road under this section shall be given at such time, in such manner and to such persons as the Municipal Board may determine, and may further direct that particulars of objections to the closing shall be filed with the Municipal Board and the District Corporation within such time as the Municipal Board shall direct. ^{Notice of application for approval for closing road}

(4) Upon the hearing of the application for approval of the closing of a road, the Municipal Board may make such order as it considers proper refusing its approval or granting its approval upon such terms and conditions as it considers proper, and any order of the Municipal Board approving of the closing of a road may contain provisions, ^{Order of O.M.B.}

- (a) determining the portion or portions of the road that shall be closed;
- (b) providing for the payment of the costs of any person appearing on such application and fixing the amount of such costs; and
- (c) providing for the doing of such other acts as in the circumstances it considers proper.

(5) Upon the approval of the Municipal Board being so obtained but subject to the provisions of the order of the Municipal Board made on the application for such approval, the District Corporation may do all such acts as may be necessary to close the road in respect of which the application is made. ^{Closing road}

(6) Where, at any time after making application for the approval of the Municipal Board of the closing of a road, the District Corporation discontinues its application or, having ^{Idem}

obtained such approval, does not proceed with the closing of the road, the Municipal Board may, upon the application of any person whose land would be injuriously affected by the closing of the road and who has appeared upon such application for approval, make such order as to costs against the District Corporation it considers proper and may fix the amount of such costs.

Appeal (7) Any person who claims to be injuriously affected by the closing of a road may, by leave of the Court of Appeal appeal to that court from any order of the Municipal Board approving the closing of such road, and the District Corporation may, upon like leave, appeal from any order of the Municipal Board made on an application under this section.

Leave to appeal (8) The leave may be granted on such terms as to the giving of security for costs and otherwise as the court may consider just.

Practice and procedure on appeal (9) The practice and procedure as to the appeal and matters incidental thereto shall be the same, *mutatis mutandis*, as upon an appeal from a county court, and the decision of the Court of Appeal is final.

R.S.O. 1960, c. 274, s. 95 not to apply (10) Section 95 of *The Ontario Municipal Board Act* does not apply to an appeal under this section.

Private roads, etc., opening upon controlled-access roads **66.—**(1) Subject to the approval of the Municipal Board, the District Council may pass by-laws prohibiting or regulating the construction or use of any private road, entranceway, structure or facility as a means of access to a district controlled-access road.

Notice (2) The District Corporation may give notice to the owner of any land requiring him to close up any private road, entranceway, structure, or facility constructed or used as a means of access to a district controlled-access road in contravention of a by-law passed under subsection 1.

Service of notice (3) Every notice given under subsection 2 shall be in writing and shall be served personally or by registered mail, and in the case of service by registered mail shall be deemed to have been received on the second day following the mailing thereof.

Failure to comply with notice (4) Where the person to whom notice is given under subsection 2 fails to comply with the notice within thirty days after its receipt, the District Council may by resolution direct any officer, employee or agent of the District Corporation to enter upon the land of such person and do or cause to

be done whatever may be necessary to close up the private road, entranceway, structure or facility as required by the notice.

(5) Every person who fails to comply with a notice given ^{Offence} under subsection 2 is guilty of an offence and on summary conviction is liable to a fine of not less than \$10 and not more than \$100 for a first offence and to a fine of not less than \$50 and not more than \$500 for a second or subsequent offence.

(6) Where a notice given under subsection 2 has been ^{Compensation} complied with, no compensation is payable to the owner of the land unless the private road, entranceway, structure or facility constructed or used as a means of access to a district controlled-access road was constructed or used, as the case may be,

- (a) before the day on which the by-law designating the road as a district controlled-access road became effective; or
- (b) in compliance with a by-law passed under subsection 1 in which case the making of compensation is subject to any provisions of such by-law.

67.—(1) Where the District Corporation adds to the ^{District liability when road added} district road system any road in an area municipality, no compensation or damages shall be payable to the area municipality in which it was vested.

(2) Where a road has been added to the district road ^{Idem} system by a by-law passed under subsection 3 of section 46, the District Corporation shall thereafter pay to the area municipality before the due date all amounts of principal and interest becoming due upon any outstanding debt of the area municipality in respect of such road, but nothing in this subsection requires the District Corporation to pay that portion of the amounts of principal and interest that under *The Local Improvement Act* is payable as the owner's share of ^{R.S.O. 1960, c. 223}

(3) If the District Corporation fails to make any payment ^{Default} as required by subsection 2, the area municipality may charge the District Corporation interest at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue.

Settling
of doubts

(4) In the event of any doubt as to whether any outstanding debt or portion thereof is a debt in respect of the road added to the district road system, the Municipal Board, upon application, may determine the matter and its decision is final.

Stopping up
highways

68.—(1) Where an area municipality intends to stop up a highway or part of a highway, it shall notify by registered mail the District Corporation of its intention.

Agreement

(2) If the District Council objects to such stopping up, it shall notify the council of the area municipality by registered mail within sixty days of the receipt of the notice required under subsection 1 and the highway or part thereof shall not be stopped up except by agreement between the area municipality and the District Council and failing agreement the Municipal Board, upon application, may determine the matter and its decision is final.

Appoint-
ment of
district
roads
engineer
1968-69,
c. 99

69. The District Council shall by by-law appoint a person, who is a professional engineer registered as a civil engineer under *The Professional Engineers Act, 1968-69*, to administer and manage the district road system.

Applica-
tion of
R.S.O. 1960,
c. 171

70. Sections 95, 97, 99, 102 and 105 of *The Highway Improvement Act* apply *mutatis mutandis* with respect to any road in the district road system.

Commence-
ment of
Part

71. This Part comes into force on the day this Act receives Royal Assent.

PART V

PLANNING

Planning
area

R.S.O. 1960,
c. 296

72.—(1) On and after the 1st day of January, 1971, the District Area is defined as, and shall continue to be, a joint planning area under *The Planning Act* to be known as the Muskoka Planning Area.

Designated
muni-
cipality

(2) The District Corporation is the designated municipality within the meaning of *The Planning Act* for the purposes of the Muskoka Planning Area.

Planning
areas
dissolved

(3) All planning areas and subsidiary planning areas that are included in the Muskoka Planning Area, together with the boards thereof, are hereby dissolved on the 31st day of December, 1970.

(4) Each area municipality is constituted a subsidiary planning area effective the 1st day of January, 1971, and the council may establish a planning board for the area municipality in accordance with *The Planning Act* otherwise the council shall be the planning board. Area municipalities

(5) Nothing in subsections 3 and 4 affects any official plan in effect in any part of the District Area. Proviso

(6) When the Minister has approved an official plan adopted by the District Council, Effect of official plan

(a) every official plan and every by-law passed under section 30 of *The Planning Act* or a predecessor thereof then in effect in the planning area affected thereby shall be amended forthwith to conform therewith; R.S.O. 1960, c. 296

(b) no official plan of a subsidiary planning area shall be approved that does not conform therewith.

73.—(1) The District Council shall investigate and survey the physical, social and economic conditions in relation to the development of the Muskoka Planning Area and may perform such other duties of a planning nature as may be referred to it by any council having jurisdiction in the Muskoka Planning Area, and without limiting the generality of the foregoing it shall, Planning duties of District Council

(a) prepare maps, drawings, texts, statistical information and all other material necessary for the study, explanation and solution of problems or matters affecting the development of the Muskoka Planning Area;

(b) hold public meetings and publish information for the purpose of obtaining the participation and co-operation of the inhabitants of the Muskoka Planning Area in determining the solution of problems or matters affecting the development of the Muskoka Planning Area; and

(c) consult with any local board having jurisdiction within the Muskoka Planning Area.

(2) The District Council before the 31st day of December, 1974, shall prepare, adopt and forward to the Minister for approval an official plan for the District Area, and the council of each area municipality shall within two years thereafter adopt and forward to the Minister for approval an official plan for the area municipality. Official plan

- Planning staff (3) The District Council shall appoint such planning staff as may be considered necessary.
- Advisory committee (4) The District Council and the council of any area municipality may each appoint such advisory planning committees as it considers necessary.
- District Corporation deemed municipality under R.S.O. 1960, c. 296 (5) Subject to this Part, the District Corporation shall be deemed to be a municipality and the District Council a planning board for the purposes of section 1, subsections 4, 6 and 7 of section 2, sections 5, 11, 12, 12a, 13, 14, 15, 16, 19, 23, 24, 25, 28, 33 and 34 of *The Planning Act*.
- Idem (6) The District Council shall be deemed to be a county for the purposes of clause *d* of subsection 1 and clause *b* of subsection 3 of section 26 and section 31a of *The Planning Act*.
- Agreements re plans of subdivision (7) The District Corporation may enter into agreements with area municipalities or persons relating to approval of plans of subdivision.
- Agreements re special studies (8) The District Corporation, with the approval of the Minister, may enter into agreements with any governmental authority, or any agency thereof created by statute for the carrying out of studies relating to the Muskoka Planning Area or any part thereof.
- Delegation of Minister's powers (9) The Lieutenant Governor in Council may, upon the recommendation of the Minister, delegate to the District Council any of the Minister's powers of approval under *The Planning Act*.
- Committees of adjustment (10) All committees of adjustment heretofore constituted by the council of a local municipality in the Muskoka Planning Area are hereby dissolved on the 31st day of December, 1970, and the council of each area municipality shall forthwith after the 1st day of January, 1971, pass a by-law constituting and appointing a committee of adjustment under section 32a of *The Planning Act*.
- Application of R.S.O. 1960, c. 296 **74.** Except as provided in this Part, the provisions of *The Planning Act* apply.
- Commencement of Part **75.** This Part comes into force on the day this Act receives Royal Assent.

PART VI

HEALTH AND WELFARE SERVICES

76.—(1) The District Corporation shall be deemed to be a city for all the purposes of the provisions of *The Public Hospitals Act* and *The Private Hospitals Act* respecting hospitalization and burial of indigent persons and their dependants, and no area municipality has any liability under such provisions.

Liability for hospitalization of indigents R.S.O. 1960, cc. 322, 305

(2) The District Corporation is liable for the hospitalization and burial, after the 31st day of December, 1970, of an indigent person or his dependant who was in hospital on the 31st day of December, 1970, and in respect of whom any local municipality within the District Area was liable because the indigent person was a resident of such local municipality.

Existing liabilities transferred

(3) Nothing in subsection 2 relieves any such local municipality from any liability in respect of hospitalization or burials before the 1st day of January, 1971.

Proviso

(4) The 1971 indigent hospitalization grant payable under section 8a of *The Municipal Unconditional Grants Act* shall be calculated on the combined expenditures incurred by any such local municipality, for the purposes mentioned in such section 8a in the year 1970 and shall be paid to the District Corporation.

Hospitalization grant 1971 under R.S.O. 1960, c. 259

77. The District Council may pass by-laws for granting aid for the construction, erection, establishment, acquisitions, maintenance, equipping and carrying on the business of public hospitals including municipal hospitals, public sanatoria, municipal isolation hospitals and other health care facilities in the District Area and may issue debentures therefor.

Aid to hospitals

78. On and after the 1st day of January, 1971, the District Area shall continue to be part of the health unit established under *The Public Health Act* known as the Muskoka-Parry Sound Health Unit.

District Area part of Muskoka-Parry Sound Health Unit R.S.O. 1960, c. 321

79. The representation of the District Area on the board of health of the Muskoka-Parry Sound Health Unit shall comprise one member of the council of each area municipality, who is also a member of the District Council, appointed by the District Council.

Representation on board of health

80.—(1) For the purposes of the following Acts, the District Corporation shall be deemed to be a city and no area municipality shall be deemed to be a municipality:

District Corporation deemed city under 1967, c. 3, R.S.O. 1960, cc. 236, 359, 425

1. *The Anatomy Act.*
2. *The Mental Hospitals Act.*
3. *The Sanatoria for Consumptives Act.*
4. *The War Veterans Burial Act.*

District
Corporation
deemed
county
under 1966,
c. 37
R.S.O. 1960,
cc. 164, 173

(2) For the purposes of the following Acts, the District Corporation shall be deemed to be a county and no area municipality shall be deemed to be a municipality:

1. *The Day Nurseries Act, 1966.*
2. *The General Welfare Assistance Act.*
3. *The Homemakers and Nurses Services Act.*

Liability
respecting
homes for
the aged
R.S.O. 1960,
c. 174

81.—(1) The District Corporation shall be deemed to be a county for the purposes of *The Homes for the Aged and Rest Homes Act*, and no area municipality has any authority as to the establishment, erection and maintenance of a home for the aged under such Act.

Application

(2) Section 13 of *The Homes for the Aged and Rest Homes Act* applies in respect of applicants for admission to a home except that the authorization and statement in the prescribed forms referred to in clauses *e* and *h* of subsection 1 of such section 13 shall be signed by such person or persons as may be designated by resolution of the District Council.

Dissolution
of Board of
Management,
district
home vested
in District
Corporation

82.—(1) On the 1st day of January, 1971, the District of Muskoka Homes for the Aged Board of Management is hereby dissolved and all the assets and liabilities thereof, including the home for the aged known as The Pines and all real and personal property used for the purposes of such home are vested in the District Corporation, and no compensation or damages shall be payable to such Board of Management in respect thereof.

Residents of
Nipissing
Home for
the Aged

(2) The District Corporation shall pay to the Board of Management of Nipissing Home for the Aged the cost of maintenance in the Nipissing Home for the Aged, incurred after the 31st day of December, 1970, of every resident of that home who was admitted thereto due to residence in an area that becomes part of any area municipality.

Amount of
maintenance
payment

(3) The amount payable by the District Corporation under subsection 2 shall be such as may be agreed upon or, failing agreement, as may be determined by the Municipal Board.

83. No area municipality shall be deemed to be a municipality for the purposes of *The Child Welfare Act, 1965* and the District Corporation shall be deemed to be a county for the purposes of such Act and a city for the purposes of subsection 2 of section 45 of such Act. District Corporation deemed county under 1965, c. 14

84. The District Corporation is liable for the amounts payable on or after the 1st day of January, 1971, by any area municipality under section 88 of *The Child Welfare Act, 1965* and is entitled to recover the amounts payable to any area municipality on or after that date under that section. Existing liabilities transferred

85. Where an order is made under subsection 2 of section 20 of the *Juvenile Delinquents Act* (Canada) upon an area municipality, such order shall be deemed to be an order upon the District Corporation, and the sums of money required to be paid under such order shall be paid by the District Corporation and not by the area municipality. Liability under order made under R.S.C. 1952, c. 160

86. Every area municipality and every officer or employee thereof shall, at the request of the officers of the District Corporation who are responsible for the administration of the Acts referred to in this Part, furnish forthwith to such officers any information they may require for the purposes of this Part. Information

87. In the event that there is any doubt as to whether the District Corporation is liable under this Part in respect of the liabilities imposed herein, the matter may be settled by agreement between the municipalities concerned or, failing agreement, may be determined by the Municipal Board. Adjustments

88. The District Corporation may grant aid to approved corporations established under *The Homes for Retarded Persons Act, 1966*, and may enter into agreements with any of such corporations with respect to the construction, operation and maintenance of homes for retarded persons. Grants to approved corporations under 1966, c. 65

89. This Part comes into force on the 1st day of January, 1971. Commencement of Part

PART VII

POLICE

90.—(1) On and after the 1st day of January, 1971, *The Police Act*, except section 59, and sections 352 and 353 of *The Municipal Act* do not apply to any area municipality. Application of R.S.O. 1960, cc. 298, 249

(2) The District Corporation shall be deemed to be a municipality for the purposes of section 59 of *The Police Act*. District Corporation deemed municipality for R.S.O. 1960, c. 298, s. 59

Application to Town of Gravenhurst (3) On and after the 9th day of May, 1970, *The Police Act*, except section 59, and sections 352 and 353 of *The Municipal Act* do not apply to the Town of Gravenhurst.

O.P.P. to undertake police functions in District Area **91.** All police functions, other than the enforcement of by-laws of the District Council or of the council of any area municipality, shall, on and after the 1st day of January, 1971, be undertaken by the Ontario Provincial Police in the District Area.

O.P.P. to undertake police functions in 1970 in Town of Gravenhurst **92.** All police functions, other than the enforcement of municipal by-laws shall, on and after the 9th day of May, 1970, be undertaken by the Ontario Provincial Police in the Town of Gravenhurst.

Liaison Committee **93.** The District Council shall establish a committee of seven persons consisting of the chairman and one representative from the council of each area municipality to be known as the Muskoka District Police Liaison Committee which shall meet at monthly intervals with the representatives of the Ontario Provincial Police to discuss police matters within the District Area.

Application of s. 26 **94.** The provisions of subsections 9 to 12 of section 26 apply to every member of the police forces of the towns of Bracebridge, Gravenhurst and Huntsville.

Commencement of Part **95.** This Part comes into force on the day this Act receives Royal Assent.

PART VIII

FINANCES

Interpretation **96.** In this Part,
(a) "merged area" means any area so designated by the Minister for the purposes of this Part;

1968-69, c. 6 (b) "rateable property" includes business and other assessment made under *The Assessment Act, 1968-69*.

Investment of money not immediately required **97.** Section 302 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation.
R.S.O. 1960, c. 249

YEARLY ESTIMATES AND LEVIES

Yearly estimates **98.**—(1) The District Council shall in each year prepare and adopt estimates of all sums required during the year for the purposes of the District Corporation including the sums

required by law to be provided by the District Council for any local board of the District Corporation, and such estimates shall set forth the estimated revenues and expenditures in such detail and according to such form as the Department may from time to time prescribe.

(2) In preparing the estimates, the District Council shall make due allowance for a surplus of any previous year that will be available during the current year and shall provide for any operating deficit of any previous year and for such reserves within such limits as to type and amount as the Department may approve.

99.—(1) The District Council in each year shall levy against the area municipalities a sum sufficient,

- (a) for payment of the estimated current annual expenditures as adopted; and
- (b) for payment of all debts of the District Corporation falling due within the year as well as amounts required to be raised for sinking funds and principal and interest payments or sinking fund requirements in respect of debenture debt of area municipalities for the payment of which the District Corporation is liable under this Act.

(2) The District Council shall ascertain and by by-law direct what portion of the sum mentioned in subsection 1 shall be levied against and in each area municipality.

(3) Subject to subsection 10, all amounts levied under subsection 1 shall be apportioned among the area municipalities in the proportion that the whole rateable property in each area municipality bears to the whole rateable property in the District Area, according to the last revised assessment rolls.

(4) The Department shall revise and equalize the last revised assessment rolls of the area municipalities and, for the purpose of subsection 3, the last revised assessment rolls for the area municipalities as so revised and equalized by the Department shall be deemed to be the last revised assessment rolls of the area municipalities.

(5) Subsection 4 shall cease to apply on a date to be determined by order of the Minister.

(6) Upon completion by the Department of the revision and equalization of assessment, the Department shall notify the District Corporation and each of the area municipalities of the revised and equalized assessment of each area municipality.

Appeal

(7) If any area municipality is not satisfied with the assessment as revised and equalized by the Department, the area municipality may appeal from the decision of the Department by notice in writing to the Municipal Board at any time within thirty days after the notice of the revised and equalized assessment was sent to the area municipality by the Department.

Idem

(8) Every notice of revision and equalization made under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such revision and equalization.

Amendment
of by-law
where
necessary
following
appeal

(9) Where the last revised assessment of the area municipality has been revised and equalized by the Department and has been appealed, the District Council shall forthwith after the decision of the Municipal Board on such appeal, amend, if required, the by-law passed under subsection 2 so as to make the apportionments among the area municipalities according to the assessments as revised by the Municipal Board upon such appeal, and,

- (a) where the moneys levied against an area municipality are thereby increased, the treasurer of the area municipality shall pay the amount of the increase to the treasurer of the District Corporation; and
- (b) where the moneys levied against an area municipality are thereby decreased, the treasurer of the area municipality shall be liable to pay the treasurer of the District Corporation only the reduced levy or, if the original levy has been paid by the area municipality, the treasurer of the District Corporation shall pay the amount of the decrease to the treasurer of the area municipality.

Fixed assess-
ments, etc.,
not to apply

1968-69,
c. 6

(10) The apportionment of the levy among the area municipalities as provided for in subsections 2 and 3 shall be based on the full value of all rateable property, and, notwithstanding any general or special Act, no fixed assessment other than a fixed assessment under section 31 of *The Assessment Act, 1968-69* or partial or total exemption from assessment or taxation applies thereto, except as provided in section 3 of *The Assessment Act, 1968-69*.

Assessment
to include
valuations
on properties
for which
payments in
lieu of taxes
paid

(11) The assessment upon which the levy among the area municipalities shall be apportioned shall include the valuations of all properties for which payments in lieu of taxes which include a payment in respect of district levies are paid by the Crown in right of Canada or any province or any board,

commission, corporation or other agency thereof or The Hydro-Electric Power Commission of Ontario to any area municipality.

(12) The clerk of each area municipality shall transmit to the Department, within fourteen days of a payment in lieu of taxes, a statement of the valuations of real property in the area municipality upon which such payment was made together with a statement showing the computations of such payment, and the Department shall revise and equalize the valuations, and shall thereupon notify the District Corporation of the revised and equalized valuations. ^{Valuation of properties}

(13) One by-law or several by-laws for making the levies may be passed as the District Council may deem expedient. ^{Levy by-laws}

(14) Subject to subsections 4, 5 and 6 of section 47 of *The Assessment Act, 1968-69*, in each area municipality the district levy shall be calculated and levied upon the whole rateable property rateable for such purpose within such area municipality according to the last revised assessment roll thereof. ^{District levy 1968-69, c. 6}

(15) All moneys levied against an area municipality under the authority of this section shall be deemed to be taxes and are a debt of the area municipality to the District Corporation and the treasurer of every area municipality shall pay the moneys so levied to the treasurer of the District Corporation at the times and in the amounts specified by the by-law of the District Council mentioned in subsection 2. ^{Payment}

(16) If an area municipality fails to make any payment as provided in the by-law, interest shall be added at the rate of one-half of 1 per cent for each month or fraction thereof that the payment is overdue. ^{Default}

100. In sections 101 and 103,

(a) "commercial assessment" means the total of,

(i) the assessment for real property that is used as a basis for computing business assessment including the assessment for real property that is rented and is occupied or used by the Crown in right of Canada or any province or any board, commission, corporation or other agency thereof, or by any municipal, metropolitan, regional or district corporation or local board thereof, and

(ii) the business assessment, and

^{Residential and commercial assessment defined}

1968-69,
c. 6

- (iii) the assessment for mineral lands, railway lands, other than railway lands actually in use for residential and farming purposes, and pipelines and the assessment of telephone and telegraph companies, and the assessment of lands not liable for business assessment under subsection 2 of section 7 of *The Assessment Act, 1968-69*,

according to the last revised assessment roll;

- (b) "residential assessment" means the total assessment for real property according to the last revised assessment roll except the assessments for real property mentioned in subclauses i and iii of clause a.

Rates

R.S.O. 1960,
c. 249

101.—(1) The council of each area municipality shall levy, as provided by this section, the sums adopted for general purposes in accordance with section 297 of *The Municipal Act*, together with a sum equal to the aggregate of the sums required by law to be provided by the council for the District Corporation or any board, commission or other body, but not the sums required to be levied under section 103 of this Act.

Equalization
of assess-
ment of
merged areas

(2) The Department shall revise and equalize, by the application of the latest equalization factors of the Department, each part of the last revised assessment rolls of the area municipalities that relates to a merged area and each such part of the last revised assessment roll of each of the area municipalities as revised and equalized is final and binding.

Notice

(3) Upon completion by the Department of the revision and equalization of assessment in an area municipality under subsection 4, the Department shall notify the area municipality of the revised and equalized assessment.

Levy on
commercial
assessment

(4) The amount to be raised by an area municipality in each year by levy on the commercial assessment shall be a sum equal to the proportion of the sum to be levied in accordance with subsection 1 that the commercial assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Levy on
residential
assessment

(5) The amount to be raised by an area municipality in each year by levy on the residential assessment shall be a sum equal to the proportion of the sum levied under subsection 1 that the residential assessment of the area municipality bears to the total assessment of the area municipality both according to the last revised assessment roll as equalized by

the Department under subsection 4, reduced by the sum equal to the estimated revenue from payments to be received in that year by the municipality under section 7 of *The Municipal Unconditional Grants Act*.

R.S.O. 1960,
c. 259

(6) The sums levied under subsection 1 shall be apportioned among the merged areas of each area municipality in the following manner:

Apportion-
ment among
merged areas

1. The amount, as ascertained in accordance with subsection 4, to be raised by the area municipality in each year by levy on the commercial assessment shall be apportioned among the merged areas in the proportion that the total commercial assessment in each merged area bears to the total commercial assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Commercial

2. The amount, as ascertained in accordance with subsection 5, to be raised by the area municipality in each year by levy on the residential assessment shall be apportioned among the merged areas in the proportion that the total residential assessment in each merged area bears to the total residential assessment in the area municipality both according to the last revised assessment roll as equalized by the Department under subsection 2.

Residential

(7) The council of the area municipality shall levy on the whole of the commercial assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 1 of subsection 6.

Levy on
commercial
assessment
in merged
areas

(8) The council of the area municipality shall levy on the whole of the residential assessment in each merged area, according to the last revised assessment roll, the amount ascertained for that merged area in accordance with paragraph 2 of subsection 6.

Levy on
residential
assessment
in merged
areas

(9) The provisions of this section shall cease to apply on the date determined by the Minister under subsection 5 of section 99.

When
provisions
cease to
apply

102.—(1) Notwithstanding section 99, in the year 1971 the District Council may, before the adoption of the estimates for that year, levy against the area municipalities a sum not exceeding 25 per cent of the aggregate levies made by all local municipalities within the District Area in the year 1970 for

Levy by
District
Council
before
estimates
adopted

general municipal purposes, and any amount so levied shall be apportioned among the area municipalities in the same manner as levies made under subsection 1 of section 99, and subsections 15 and 16 of section 99, apply to such a levy.

Idem

(2) Notwithstanding section 99, in the year 1972 and in each subsequent year the District Council may, before the adoption of estimates for the year, levy against each of the area municipalities a sum not exceeding 50 per cent of the levy made by the District Council in the preceding year against that area municipality and subsections 15 and 16 of section 99 apply to such a levy.

Levy under
s. 99 to be
reduced

(3) The amount of any levy made under subsection 1 or 2 shall be deducted from the amount of the levy made under section 99.

Levy by area
municipality
before
estimates
adopted

(4) Notwithstanding section 101, until the date determined by the Minister under subsection 5 of section 99, the council of an area municipality may in any year by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the assessment for real property in the merged area according to the last revised assessment roll a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on residential real property of public school supporters.

Business
assessment

(5) Where the council of an area municipality has not provided for taking the assessment of business during the same year in which the rates of taxation thereon are to be levied, the council, notwithstanding section 101, until the date determined by the Minister under subsection 5 of section 99 may, by by-law passed before the adoption of the estimates for that year, levy in each of the merged areas in the area municipality, before the adoption of the estimates, on the whole of the business assessment in the merged area according to the last revised assessment roll, a sum not exceeding 50 per cent of that which would be produced by applying to such assessment the total rate for all purposes levied in the merged area in the preceding year on business assessment of public school supporters.

Levy made
under s. 101
to be
reduced

(6) The amount of any levy under subsection 4 or 5 shall be deducted from the amount of the levy made under section 101.

Application
of R.S.O.,
1960, c. 249
section 294a,
subs. 3

(7) Subsection 3 of section 294a of *The Municipal Act* applies to levies made under this section.

(8) Section 294a of *The Municipal Act* does not apply until the date determined by the Minister under subsection 5 of section 99. R.S.O. 1960, c. 249
section 294a not to apply

103.—(1) For the purposes of levying taxes under *The Separate Schools Act*, the merged areas of an area municipality shall be deemed to be municipalities, and the council of the area municipality shall be deemed to be the council of each such merged area. Rates under R.S.O. 1960, c. 368

(2) The amount required to be levied and collected by an area municipality for public school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for public school purposes in each merged area bears to the total commercial assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for public school purposes on commercial assessment R.S.O. 1960, c. 361

(3) The amount required to be levied and collected by an area municipality for public school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for public school purposes in each merged area bears to the total residential assessment for public school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for public school purposes on residential assessment

(4) The amount required to be levied and collected by an area municipality for secondary school purposes on commercial assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total commercial assessment for secondary school purposes in each merged area bears to the total commercial assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for secondary school purposes on commercial assessment

(5) The amount required to be levied and collected by an area municipality for secondary school purposes on residential assessment determined as a result of the application of section 105 of *The Schools Administration Act* shall be apportioned among the merged areas in the ratio that the total residential assessment for secondary school purposes in each merged area bears to the total residential assessment for secondary school purposes in the area municipality, both as equalized by the Department in accordance with subsection 2 of section 101. Rates for secondary school purposes on residential assessment R.S.O. 1960, c. 361

Regulations
under R.S.O.
1960 c. 362
to apply

(6) Notwithstanding subsections 2, 3, 4 and 5, where, in any year, a regulation is in force under section 87a of *The Secondary Schools and Boards of Education Act* the apportionments referred to in the said subsections 2, 3, 4 and 5 shall be made in accordance with such regulation.

Application
of section

(7) The provisions of this section apply until the date determined by the Minister under subsection 5 of section 99.

Transitional
adjustments

104. The Minister may provide from time to time by order that, in the year or years and in the manner specified in the order, the council of any area municipality shall levy, on the whole of the assessment for real property and business assessment according to the last revised assessment roll in any specified merged area or areas, rates of taxation for general purposes which are different from the rates which would have been levied for such purposes but for the provisions of this subsection.

Allowances
to be made
in estimates
of area
municipalities in
1971
R.S.O. 1960,
c. 249

105.—(1) For the purpose of subsection 2 of section 297 of *The Municipal Act*, the surplus of the previous year for which allowance is to be made or the operating deficit to be provided for in the estimates of the council of an area municipality for the year 1971 shall be the aggregate of the audited surpluses or operating deficits of each of the merged areas of that area municipality.

Merged
areas

(2) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971 comprised the whole of a local municipality shall be the audited surplus or operating deficit of such local municipality at the 31st day of December, 1970.

Idem

(3) For the purpose of subsection 1, the audited surplus or operating deficit of a merged area that before the 1st day of January, 1971 comprised part of a local municipality shall be an amount that is the same proportion of the audited surplus or operating deficit of the local municipality that the amount of the assessment of the merged area is of the total amount of the assessment of the local municipality, both according to the last revised assessment roll.

ADJUSTMENTS

Interpreta-
tion

106.—(1) In this section, "surplus or operating deficit" includes any reserves provided for under subsection 2 of section 297 of *The Municipal Act*.

(2) The audited surplus or operating deficit of a local municipality at the 31st day of December, 1970 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971. Surplus or deficit at December 31, 1970, to be applied to supporting assessment

(3) The audited surplus or operating deficit of a local roads board or statute labour board at the 31st day of December, 1970 shall accrue to the credit of or become a charge on the assessment supporting such surplus or operating deficit and, subject to subsection 4, shall be provided for by adjustment of the tax rate in the year 1971. Idem

(4) Where, in the opinion of the Minister, the operation of this section would cause substantial hardship to the taxpayers in a particular merged area within any area municipality, he may, by order, provide that the necessary adjustment in the tax rate be made over a period of not more than five years. Adjustments may be spread over five years by order

107.—(1) The Minister may, on or before the 1st day of September, 1970, appoint committees of arbitrators for the purpose of determining initially the disposition, including the physical possession, of the assets and liabilities, including reserve funds, of the Township of McLean, the Township of Medora and Wood, the Township of Monck and the Township of Muskoka. Arbitration

(2) Each committee shall consist of one or more treasurers designated by the Minister representing municipalities directly concerned with the disposition of particular assets and liabilities and reserve funds, and the treasurer of the divided municipality whose assets, liabilities or reserve funds are to be considered, or such other person or persons as the Minister may appoint. Idem

(3) Before the 31st day of December, 1970, the committees shall, where appropriate, make provisional determinations of the disposition of the known assets, liabilities and reserve funds, and these dispositions shall become operative from the 1st day of January, 1971. Provisional determination

(4) As soon as possible thereafter, the committees, where appropriate, shall make final determinations of the disposition of assets, liabilities and reserve funds as at the 31st day of December, 1970, together with determinations of any financial adjustments which may be necessary. Final determination

(5) The final determination made under subsection 4 shall be forwarded forthwith to the area municipalities directly concerned and to the Municipal Board and, unless the council Idem

of any such area municipality notifies the Municipal Board in writing within thirty days of the mailing of such determination to the area municipality that it objects to the determination, such determination shall, for the purposes of clause *a* of subsection 10 of section 14 of *The Municipal Act*, be deemed to be agreed upon by such area municipalities.

R.S.O. 1960,
c. 249

Idem

(6) The final determination of a disposition or an adjustment under this section shall set out the time within which an appeal may be made to the Municipal Board with respect to such determination.

Substantial
hardship

(7) Where, in the opinion of the Minister, any financial settlement arising from the application of this section would cause substantial hardship to the taxpayers of an area municipality, he may, by order, provide that such settlement be made over a period not exceeding five years.

Documents
and records
of divided
municipalities

(8) All documents and records kept by the clerk or treasurer or other officer of each divided municipality shall be transferred to the clerk or treasurer or other officer, as the case may be, of the area municipality designated by the appropriate committee established under subsection 1, and such documents and records shall be made available to any official of any area municipality to which any other portion of the divided municipality is transferred, during the normal office hours of the area municipality to which they are transferred.

URBAN SERVICES

Interpreta-
tion

108.—(1) In this section,

(*a*) “cost” includes the cost of constructing, equipping, extending, enlarging, altering and replacing public works for the purpose of providing an urban service, the cost of managing, operating and maintaining such urban service, the cost of any land, buildings and equipment necessary for providing an urban service, and the cost of the issue and sale of debentures for an urban service and any discount allowed to the purchases of them;

(*b*) “urban service” means,

- (i) the collection and disposal of sewage and land drainage, or
- (ii) the collection and removal of ashes or garbage or other refuse, or
- (iii) street lighting, or
- (iv) the provision and distribution of an adequate supply of water.

(2) The council of each area municipality shall, with the approval of the Municipal Board, by by-law designate the areas in which an urban service is or is to be provided by the area municipality.

(3) The aggregate amount of the sums necessary in each year to pay the cost of an urban service in a designated area, including the area municipalities' portion of all debenture charges for works constructed under *The Local Improvement Act* and debenture charges for debentures issued under any other Act in connection with such urban service, except to the extent that such cost is raised by special assessments, under any general or special Act, or otherwise, shall be levied in the manner provided by *The Municipal Act* upon all rateable property in the designated area and no part of the cost of providing such urban service shall be levied on any part of the area municipality lying outside the designated area.

RESERVE FUNDS

109.—(1) Reserve funds established by local municipalities for purposes for which the District Council has authority to spend funds and for which the council of an area municipality has no authority to spend funds are reserve funds of the District Corporation and the assets of such reserve funds are vested in the District Corporation.

(2) Reserve funds established by local municipalities, other than divided municipalities, for purposes for which the councils of area municipalities have authority to spend funds and for which the District Council has no authority to spend funds are reserve funds of the area municipality of which the local municipality forms a part, and the assets of such reserve funds are vested in such area municipality.

110.—(1) The District Council may in each year, if authorized by a two-thirds vote of the members present at a meeting of the District Council, provide in the estimates for the establishment or maintenance of a reserve fund for any purpose for which it has authority to spend funds.

(2) The moneys raised for a reserve fund established under subsection 1 shall be paid into a special account and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys form part of the reserve fund.

(3) The moneys raised for a reserve fund established under subsection 1 shall not be expended, pledged or applied to any purpose other than that for which the fund was established without the approval of the Department.

Auditor to
report on
reserve
funds

(4) The auditor in his annual report shall report on the activities and position of each reserve fund established under subsection 1.

Planning
fund

111.—(1) The District Council shall establish and maintain a planning fund.

Purpose of
fund

(2) The moneys in the fund established under subsection 1 may be used only to defray the costs of the District Council in exercising its powers under Part V.

Pollution
control fund

(3) The District Council shall establish and maintain a pollution control fund and shall contribute to such fund, in each year, the sum equivalent to a sum calculated at one quarter of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 99.

Purpose of
fund

(4) The moneys in the fund established under subsection 3 may be used only to defray the costs of the District Council in exercising its powers under Part III and for pollution control measures undertaken in the District Area, which measures are in addition to the normal pollution control measures being undertaken by the Muskoka-Parry Sound Health Unit.

Cost of
District
Council
under
Part III

(5) None of the costs of the District Council in exercising its powers under Part III shall form part of the levy under section 99 except as provided in subsection 4.

Investments
and income

(6) The moneys raised for each of the funds established under this section shall be paid into special accounts and may be invested in such securities as a trustee may invest in under *The Trustee Act*, and the earnings derived from the investment of such moneys for each fund form part of that fund.

R.S.O. 1960,
c. 408

Expenditure
of fund
moneys

(7) The moneys raised for each fund established under this section shall not, without the approval of the Department, be expended, pledged or applied to any purpose other than that for which the fund was established.

Auditor to
report on
funds

(8) The auditor in his annual report shall report on the activities and position of each fund established under this section in the form prescribed by the Department.

SPECIAL PROVINCIAL ASSISTANCE

Special
contributions

112. The following contributions, in each of the years 1971, 1972, 1973, 1974 and 1975, to the expenditures of the District Corporation shall be paid out of the Consolidated Revenue Fund,

- (a) an amount of \$150,000, to be known as the Environmental Development Grant, of which \$50,000 shall be paid into the fund established under subsection 1 of section 111 and \$100,000 into the fund established under subsection 3 of section 111; and
- (b) an amount of \$50,000 to defray part of the cost of administrative expenditures of the District Council.

TEMPORARY LOANS

113.—(1) The District Council may by by-law, either ^{Current borrowings} before or after the passing of by-laws for imposing levies on the area municipalities for the current year, authorize the chairman and treasurer to borrow from time to time by way of promissory note such sums as the District Council may deem necessary to meet, until the levies are received, the current expenditures of the District Corporation for the year, including the amounts required for principal and interest falling due within the year upon any debt of the District Corporation and the sums required by law to be provided by the District Council for any local board of the District Corporation.

(2) The amount that may be borrowed at any one time ^{Limit upon borrowings} for the purposes mentioned in subsection 1, together with any similar borrowings that have not been repaid, shall not, except with the approval of the Municipal Board, exceed 70 per cent of the uncollected balance of the estimated revenues of the District Corporation as set forth in the estimates adopted for the year.

(3) Until such estimates are adopted, the limitation upon ^{Temporary application of estimates of preceding year} borrowing prescribed by subsection 2 shall temporarily be calculated upon the estimated revenues of the District Corporation as set forth in the estimates adopted for the next preceding year, provided that in the year 1971 the amount that may be borrowed at any one time prior to the adoption of the estimates shall be such amount as may be approved by the Municipal Board.

(4) The lender is not bound to establish the necessity of ^{Protection of lender} borrowing the sum lent or to see to its application.

(5) Any promissory note made under the authority of ^{Execution of promissory notes} this section shall be sealed with the seal of the District Corporation and signed by the chairman or by some other person authorized by by-law to sign it, and by the treasurer and may be expressed so as to bear interest only upon such money as may be borrowed thereon from the time when such money is actually lent.

Creation of
charge

(6) The District Council may by by-law provide or authorize the chairman and treasurer to provide by agreement that all or any sums borrowed for any or all of the purposes mentioned in this section shall, with interest thereon, be a charge upon the whole or any part or parts of the revenues of the District Corporation for the current year and for any preceding years as and when such revenues are received, provided that such charge does not defeat or affect and is subject to any prior charge then subsisting in favour of any other lender.

Execution of
agreements

(7) Any agreement entered into under subsection 6 shall be sealed with the corporate seal and signed by the chairman and treasurer.

Penalties for
excess
borrowings

(8) If the District Council authorizes the borrowing of or borrows any larger amount than is permitted under this section, every member who knowingly votes therefor is disqualified from holding any municipal office for two years.

Penalty for
misapplica-
tion of
revenues by
District
Council

(9) If the District Council authorizes the application of any revenues of the District Corporation charged under the authority of this section otherwise than in repayment of the loan secured by such charge, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Penalty for
misapplica-
tion of
revenues by
officials

(10) If any member of the District Council or officer of the District Corporation applies any revenues so charged otherwise than in repayment of the loan secured by such charge, he is personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Saving as to
penalties

(11) Subsections 8, 9 and 10 do not apply to the District Council or any member of the District Council or officer of the District Corporation acting under an order or direction issued or made under the authority of *The Department of Municipal Affairs Act*, nor do they apply in any case where application of the revenues of the District Corporation is made with the consent of the lender in whose favour a charge exists.

R.S.O. 1960,
c. 98

DEBT

Debt

R.S.O. 1960,
c. 274

114.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Council may borrow money for the purposes of,

(a) the District Corporation;

(b) any area municipality;

(c) the joint purposes of any two or more area municipalities,

whether under this or any general or special Act, and may issue debentures therefor on the credit of the District Corporation.

(2) All debentures issued pursuant to a by-law passed by the District Council under the authority of this Act are direct, joint and several obligations of the District Corporation and the area municipalities notwithstanding the fact that the whole or any portion of the rates imposed for the payment thereof may have been levied only against one or more of the area municipalities, but nothing in this subsection affects the rights of the District Corporation and of the area municipalities respectively as among themselves. ^{Liability}

(3) Notwithstanding any general or special Act, no area municipality has, after the 31st day of December, 1970, power to issue debentures. ^{Limitation}

(4) When an area municipality, prior to the 31st day of December, 1970, ^{Uncompleted works}

(a) has applied for and obtained the final approval of the Municipal Board in respect of any work, project or other matter mentioned in subsection 1 of section 64 of *The Ontario Municipal Board Act*; and

R.S.O. 1960,
c. 274

(b) has entered into a contract for or authorized the commencement of such work, project or matter but has not prior to that date issued the debentures authorized,

the District Council, upon the request of the council of the area municipality, shall pass a by-law authorizing the issue and sale of debentures of the District Corporation for the purposes and in the amount approved by the Municipal Board and shall, if required by the area municipality, issue such debentures and provide temporary financing for the area municipality in the manner provided in section 117, and no further approval of the Municipal Board is required.

(5) Bonds, debentures and other evidences of indebtedness of the District Corporation shall be deemed to be bonds, debentures and other evidences of indebtedness of a municipal corporation for the purposes of *The Trustee Act*. ^{Bonds, debentures, etc., trustee investments}
R.S.O. 1960,
c. 408

Power to
incur debt
or issue
debentures
R.S.O. 1960,
c. 274

115.—(1) Subject to the limitations and restrictions in this Act and *The Ontario Municipal Board Act*, the District Corporation may by by-law incur a debt or issue debentures for the purposes set forth in subsection 1 of section 114 and, notwithstanding any general or special Act, such by-law may be passed without the assent of the electors of the District Area.

Idem

(2) Where, under any general or special Act, an area municipality cannot incur a debt or issue debentures for a particular purpose without the assent of its electors or without the concurrence of a specified number of the members of its council, the District Council shall not pass a by-law authorizing the issue of debentures on behalf of such area municipality for such purpose unless such assent or concurrence to the passing of the by-law by the District Council has been obtained.

Proviso

(3) Nothing in subsection 2 requires the assent of any electors where such assent has been dispensed with under section 63 of *The Ontario Municipal Board Act*.

Hearing

116.—(1) Notwithstanding any general or special Act, the Municipal Board, before making any order under section 64 of *The Ontario Municipal Board Act* on the application of the District Corporation or of any area municipality, shall hold a public hearing for the purpose of inquiring into the merits of the matter.

Notice

(2) Notice of the hearing shall be given to the clerk of the District Corporation and to the clerk of each area municipality in such manner as the Municipal Board may direct.

Dispensation
with
hearing

(3) The Municipal Board may dispense with the public hearing if the applicant files with the secretary of the Municipal Board a certified copy of a resolution of the council of each corporation entitled to notice under subsection 2 consenting to such dispensation.

Idem

(4) The Municipal Board may direct that an applicant give, by registered mail, to the persons mentioned in subsection 2 notice of any application including a requirement that the District Corporation or any area municipality file with the applicant, within such time as may be specified by the Municipal Board, any objection to the application, and, if no such objection is filed within the time specified, the Municipal Board may dispense with the public hearing.

Borrowing
pending
issue and
sale of
debentures

117.—(1) When the Municipal Board has authorized the borrowing of money and the issue of debentures by the District Corporation for its purposes, the District Council

pending the issue and sale of the debentures may agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purpose authorized, and may by by-law pending the sale of such debentures or in lieu of selling them authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan.

(2) When the Municipal Board has authorized the borrow- ^{Idem}ing of money and the issue of debentures by the District Corporation for the purposes of an area municipality, the District Council pending the issue and sale of the debentures may, and on the request of the area municipality shall, agree with a bank or person for temporary advances from time to time to meet expenditures incurred for the purposes authorized, and may, or on the request of the area municipality shall, pending the sale of such debentures or in lieu of selling them, authorize the chairman and treasurer to raise money by way of loan on the debentures and to hypothecate them for the loan, and shall transfer the proceeds of such advance or loan to the area municipality.

(3) The District Corporation may charge interest on any ^{Interest on} proceeds of an advance or loan transferred under subsection 2 ^{proceeds} transferred at a rate sufficient to reimburse it for the cost of such advance or loan.

(4) The proceeds of every advance or loan under this sec- ^{Application}tion shall be applied to the purposes for which the debentures ^{of proceeds}were authorized, but the lender shall not be bound to see to ^{of loan}the application of the proceeds and, if the debentures are subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan and, where the debentures were issued for the purposes of an area municipality, the balance, subject to section 129, shall be transferred to the area municipality.

(5) Subject to subsection 4, the redemption of a debenture ^{Hypotheca-}hypothecated does not prevent the subsequent sale thereof. ^{tion not to} prevent sub-
^{sequent sale} of debentures

118.—(1) Subject to subsection 2, a money by-law for the ^{Principal}issuing of debentures shall provide that the principal shall ^{and interest}be repaid in annual instalments with interest annually or ^{payments}semi-annually upon the balances from time to time remaining unpaid, but the by-law may provide for annual instalments of combined principal and interest.

(2) A money by-law for the issuing of debentures may ^{Sinking fund}provide that the principal shall be repaid at a fixed date with ^{debentures}interest payable annually or semi-annually, in which case

debentures issued under the by-law shall be known as sinking fund debentures.

When debentures to be payable

(3) Notwithstanding any general or special Act, the whole debt and the debentures to be issued therefor shall be made payable within such term of years as the Municipal Board may approve.

Special levy against area municipalities

(4) The by-law may provide for raising in each year, by special levy or levies against one or more area municipalities, the whole or specified portions of the sums of principal and interest payable under the by-law in such year, and each area municipality shall pay to the District Corporation such sums at the times and in the amounts specified in the by-law.

General levy

(5) The by-law shall provide for raising in each year, by a special levy on all the area municipalities, the sums of principal and interest payable under the by-law in such year to the extent that such sums have not been provided for by any special levy or levies against any area municipality or municipalities made especially liable therefor by the by-law.

Levy by area municipalities

(6) Any special levy against an area municipality imposed by the by-law under the authority of subsection 4 may be levied by the area municipality against persons or property in the same manner and subject to the same limitations as if it were passing a by-law authorizing the issue of debentures of the area municipality for the same purpose for the portion of the debt levied against it under subsection 4.

Levies a debt

(7) All levies imposed by the by-law against an area municipality are a debt of the area municipality to the District Corporation.

By-law to change mode of issuing debentures

(8) The District Council may by by-law authorize a change in the mode of issue of the debentures and may provide that the debentures be issued with coupons instead of in amounts of combined principal and interest or *vice versa* and where any debentures issued under the by-law have been sold, pledged or hypothecated by the District Council upon again acquiring them or at the request of any holder of them, may cancel them and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

Debentures when to be dated and issued

(9) All the debentures shall be issued at one time and within two years after the passing of the by-law unless, on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number

of years and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the District Council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

(10) All the debentures shall bear the same date, except ^{Date of debentures} where they are issued in sets in which case every debenture of the same set shall bear the same date.

(11) Notwithstanding the provisions of the by-law, the ^{Idem} debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 9 and the debentures may bear date before the date the by-law is passed if the by-law provides for the first levy being made in the year in which the debentures are dated or in the next succeeding year.

(12) The Municipal Board, on the application of the ^{Extension of time for issue} District Council, the council of any area municipality or any person entitled to any of the debentures or of the proceeds of the sale thereof, may at any time extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

(13) The extension may be made although the application ^{Application after time expired} is not made until after the expiration of the two years or of the time provided for the issue of the set.

(14) Unless the by-law names a later day when it is to take ^{Effective date} effect, it takes effect on the day of its passing.

(15) Notwithstanding any general or special Act, the Dis- ^{Consolidation} trict Council may borrow sums for two or more purposes in one debenture by-law and provide for the issue of one series of debentures therefor.

(16) Section 283 of *The Municipal Act* applies *mutatis mutandis* to the District Corporation. ^{Consolidating debenture by-laws} R.S.O. 1960, c. 249

(17) The by-law may provide that all the debentures or a portion thereof shall be redeemable at the option of the District Corporation on any date prior to maturity, subject to the following provisions: ^{Redemption before maturity}

1. The by-law and every debenture that is so redeemable shall specify the place or places of payment and

the amount at which such debenture may be so redeemed.

2. The principal of every debenture that is so redeemable becomes due and payable on the date set for the redemption thereof, and from and after such date interest ceases to accrue thereon where provision is duly made for the payment of the principal thereof, the interest to the date set for redemption, and any premium payable on redemption.
3. Notice of intention so to redeem shall be sent by prepaid mail at least thirty days prior to the date set for such redemption to the person in whose name the debenture is registered at the address shown in the Debenture Registry Book.
4. At least thirty days prior to the date set for such redemption, notice in intention so to redeem shall be published in *The Ontario Gazette* and in a daily newspaper of general circulation in the District Area and in such other manner as the by-law may provide.
5. Where only a portion of the debentures issued under the by-law is so to be redeemed, such portion shall comprise only the debentures that have the latest maturity dates and no debentures issued under the by-law shall be called for such redemption in priority to any such debenture that has a later maturity date.
6. Where a debenture is redeemed on a date prior to maturity, such redemption does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council in respect of the debenture so redeemed.

Currency

(18) The by-law may provide that the debentures to be issued thereunder shall be expressed and be payable,

- (a) in lawful money of Canada and payable in Canada;
or
- (b) in lawful money of the United States of America and payable in the United States of America; or

- (c) in lawful money of Great Britain and payable in Great Britain.

(19) Where, under the provisions of the by-law, debentures issued thereunder are expressed and made payable in lawful money of the United States of America or of Great Britain, the District Council may in such by-law or in any amending by-law, in lieu of providing for the raising in each year during the currency of the debentures specific sums sufficient to pay interest thereon or instalments of principal falling due in such year, provide that there shall be raised such yearly amount as may be necessary for such purposes and as the requirements for such purposes may from year to year vary. ^{Annual rates}

(20) When sinking fund debentures are issued, the amount of principal to be raised in each year shall be a specific sum which, with the estimated interest at a rate not exceeding $3\frac{1}{2}$ per cent per annum, capitalized yearly, will be sufficient to pay the principal of the debentures or any set of them, when and as it becomes due. ^{Principal levies}

(21) When sinking fund debentures are issued, the sinking fund committee shall keep one or more consolidated bank accounts in which, ^{Consolidated bank accounts}

(a) the treasurer of the District Corporation shall deposit each year during the term of the debentures the moneys raised for the sinking fund of all debts that are to be paid by means of sinking funds; and

(b) there shall be deposited all earnings derived from, and all proceeds of the sale, redemption or payment of, sinking fund investments.

(22) When sinking fund debentures are issued, there shall be a sinking fund committee that shall be composed of the treasurer of the District Corporation and two members appointed by the Lieutenant Governor in Council, and the two appointed members shall be paid, out of the current fund of the District Corporation, such annual remuneration as the Lieutenant Governor in Council may determine. ^{Sinking fund committee}

(23) The Lieutenant Governor in Council may appoint an alternate member for each of the appointed members and any such alternate member has all the powers and duties of the member in the absence or inability to act of such member. ^{Alternate members}

(24) The treasurer of the District Corporation shall be the chairman and treasurer of the sinking fund committee and in his absence the appointed members may appoint one of themselves as acting chairman and treasurer. ^{Chairman}

- Security** (25) Each member of the sinking fund committee shall, before entering into the duties of his office, give security for the faithful performance of his duties and for duly accounting for and paying over all moneys that come into his hands, in such amount as the auditor of the District Corporation shall determine, and in other respects the provisions of section 234 of *The Municipal Act* apply with respect to such security.
- R.S.O. 1960, c. 249**
- Quorum** (26) Two members of the sinking fund committee are a quorum, and all investments and disposals of investments must be approved by a majority of all the members of the committee.
- Control of sinking fund assets** (27) All assets of the sinking funds, including all consolidated bank accounts, shall be under the sole control and management of the sinking fund committee.
- Withdrawals from bank accounts** (28) All withdrawals from the consolidated bank accounts shall be authorized by the sinking fund committee, and all cheques on the consolidated bank accounts shall be signed by the chairman or acting chairman and one other member of the sinking fund committee.
- Investments** (29) The sinking fund committee shall invest any moneys on deposit from time to time in the consolidated bank accounts and may at any time or times vary any investments.
- Idem** (30) The moneys in the consolidated bank accounts shall be invested in one or more of the following forms,
- R.S.O. 1960, c. 408**
- (a) in securities in which a trustee may invest under *The Trustee Act*;
 - (b) in debentures of the District Corporation;
 - (c) in temporary advances to the District Corporation pending the issue and sale of any debentures of the District Corporation;
 - (d) in temporary loans to the District Corporation for current expenditures, but no loan for such purpose shall be made for a period ending after the end of the calendar year in which the loan is made.
- Deposit of securities with Treasurer of Ontario** (31) Any securities acquired by the sinking fund committee as investments for sinking fund purposes may be deposited with the Treasurer of Ontario.
- Release of securities by Treasurer of Ontario** (32) The Treasurer of Ontario shall release, deliver or otherwise dispose of any security deposited with him under

subsection 31 only upon the direction in writing of the sinking fund committee.

(33) All sinking fund debentures issued on the same date, payable in the same currency, and maturing on the same date, notwithstanding they are issued under one or more by-laws, shall be deemed one debt and be represented by one sinking fund account. Sinking fund accounts

(34) That proportion of the amount of all earnings in any year, on an accrual basis, from sinking fund investments, obtained by, Earnings credited to sinking fund account

(a) multiplying the amount of all such earnings by the amount of the capitalized interest for that year under subsection 20 with respect to the principal raised up to and including such year for all sinking fund debentures represented by any sinking fund account; and

(b) dividing the product obtained under clause *a* by the amount of all capitalized interest for that year under subsection 20 with respect to all principal raised up to and including such year for all outstanding sinking fund debentures,

shall be credited to the sinking fund account, mentioned in clause *a*.

(35) The treasurer of the District Corporation shall prepare and lay before the District Council in each year, before the annual district levies are made, a statement showing the sums that the District Council will be required, by by-law, to raise for sinking funds in that year. Sinking fund requirements

(36) If the treasurer of the District Corporation contravenes subsection 21 or 35, he is guilty of an offence and on summary conviction is liable to a fine of not more than \$250. Offence

(37) If the District Council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the District Council is disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. Failure to levy

(38) Notwithstanding this or any other Act or by-law, if it appears at any time that the amount at the credit of any sinking fund account will be more than sufficient, with the estimated earnings to be credited thereto under subsection 34 together with the levy required to be made by the by-law or Where amount in sinking fund account more than sufficient to pay debt

by-laws that authorized the issue of the debentures represented by such sinking fund account, to pay the principal of the debt represented by such sinking fund account when it matures, the Municipal Board on the application of the sinking fund committee, the District Council or the council of an area municipality, may authorize the District Council or the council of an area municipality to reduce the amount of money to be raised with respect to such debt in accordance with the order of the Municipal Board.

No diversion
of sinking
funds

(39) No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the District Corporation or otherwise than is provided in this section.

Surplus

(40) When there is a surplus in a sinking fund account, the sinking fund committee shall,

- (a) use the surplus to increase the amount at the credit of another sinking fund account; or
- (b) authorize the withdrawal of the surplus from the consolidated bank accounts, and the surplus shall be used for one or more of the following purposes,
 - (i) to retire unmatured debentures of the District Corporation or of an area municipality,
 - (ii) subject to the approval of the Municipal Board, to reduce the next annual levy on account of principal and interest payable with respect to debentures of the District Corporation or of an area municipality,
 - (iii) to reduce the amount of debentures to be issued for other capital expenditures for which the issue of debentures has been approved by the Municipal Board,

and the surplus shall be used under either clause *a* or *b* for the purposes of the District Corporation or an area municipality in the proportion that the amount of the contribution for the purposes of each bears to the total contributions to the sinking fund account in connection with which the surplus arose.

Deficit and
surplus

(41) Notwithstanding that any sinking fund debentures have been issued for the purposes of one or more area municipalities, any deficit in the sinking fund account shall be provided by the District Corporation out of its current funds and any surplus in the sinking fund account shall be used as provided in subsection 40.

119.—(1) If the Municipal Board is of the opinion that the current rate of interest so differs from the rate of interest payable on any debentures that remain unsold or undisposed of that the sale or disposal thereof may substantially decrease or increase the amount required to be provided under the by-law under which such debentures were issued, the Municipal Board may authorize the District Council to pass a by-law to amend such by-law so as to provide for,

When rate of interest may be varied

- (a) a different rate of interest;
- (b) a change in the amount to be raised annually and, if necessary, in the special levies;
- (c) such other changes in such by-law or any other by-law as to the Municipal Board may seem necessary to give effect thereto;
- (d) the issue of new debentures to bear interest at the amended rate in substitution and exchange for such first-mentioned debentures; and
- (e) the cancellation of such first-mentioned debentures upon the issue of such new debentures in substitution and exchange therefor.

(2) For the purposes of this section, the hypothecation of debentures under section 117 shall not constitute a sale or other disposal thereof.

Hypothecation not a sale under this section

(3) The District Council may by one by-law authorized under subsection 1 amend two or more by-laws and provide for the issue of one series of new debentures in substitution and exchange for the debentures issued thereunder.

Consolidation of debentures

(4) A by-law passed under this section does not affect the validity of any by-law by which special assessments are imposed or instalments thereof levied, the validity of such special assessments or levies, or the powers of the District Council to continue to levy and collect from any area municipality the subsequent payments of principal and interest payable by it to the District Council.

Special assessment and levies

120.—(1) Where part only of a sum of money provided for by a by-law has been raised, the District Council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually.

Repeal of by-law when part only of money to be raised

When to
take effect

(2) The repealing by-law shall recite the facts on which it is founded, shall provide that it shall take effect on the 31st day of December in the year of its passing, shall not affect any rates or levies due or penalties incurred before that day and shall not take effect until approved by the Municipal Board.

Until debt
paid certain
by-laws
cannot be
repealed

121.—(1) Subject to section 120, after a debt has been contracted under a by-law, the District Council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating, for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source, and shall not alter any such by-law so as to diminish the amount to be raised annually and shall not apply to any other purpose any money of the District Corporation that has been directed to be applied to such payment.

Application
of payments

(2) When the District Corporation, by or under the authority of this Act, pays to an area municipality any amount of principal and interest becoming due upon any outstanding debentures issued by the area municipality, neither the council of the area municipality nor any officer thereof shall apply any of the money so paid for any purpose other than the payment of the amounts of principal and interest so becoming due.

Offence for
neglect of
officer to
carry out
by-law

122. Any officer of the District Corporation whose duty it is to carry into effect any of the provisions of a money by-law of the District Corporation, who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, is guilty of an offence and on summary conviction is liable to a fine of not more than \$100.

Money
by-laws
may be
registered

123.—(1) Within four weeks after the passing of a money by-law, the clerk may register a duplicate original or a copy of it, certified under his hand and the seal of the District Corporation, in the Registry Office for the Registry Division of the Judicial District.

Application
to quash
registered
by-law,
when to be
made
R.S.O. 1960,
c. 274

(2) Subject to section 61 of *The Ontario Municipal Board Act*, every by-law registered in accordance with subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures are valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws passed under *The Drainage Act, 1962-63* or *The Local Improvement Act*, and in the case of other by-laws, within three months after the registration, an application or action to quash the by-law is made to or brought in a court

1962-63, c. 39
R.S.O. 1960,
c. 223

of competent jurisdiction, and a certificate under the hand of the proper officer of the court and its seal, stating that such application has been made or action brought, is registered in such registry office within such period of three months, or one month, as the case may be.

(3) After the expiration of the period prescribed by subsection 2, if no application or action to quash the by-law is made or brought, the by-law is valid and binding according to its terms. Time when by-law to be valid and binding

(4) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 2, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, is, after the expiration of that period, valid and binding according to its terms. Quashing part of by-law

(5) If the application or action is dismissed in whole or in part, a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 2, if it has not already expired, the by-law, or so much of it as is not quashed, is valid and binding according to its terms. Dismissal of application

(6) Nothing in this section makes valid a by-law passed without the assent of the electors of an area municipality as required by subsection 2 of section 115 or a by-law where it appears on the face of it that any of the provisions of subsection 5 of section 118 have not been substantially complied with. Illegal by-laws not validated

(7) Failure to register a by-law as prescribed by this section does not invalidate it. Failure to register

124.—(1) A debenture or other like instrument shall be sealed with the seal of the District Corporation, which seal may be engraved, lithographed, printed or otherwise mechanically reproduced thereon, and, subject to subsection 3, shall be signed by the chairman or by some other person authorized by by-law of the District Corporation to sign it, and by the treasurer. Debentures, how sealed and executed

(2) A debenture may have attached to it interest coupons that shall be signed by the treasurer and his signature to them may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and such interest coupons are sufficiently signed if they bear the signature of the treasurer on the date the District Council authorized the execution of the debenture or on the date the debenture bears or at the time the debenture was issued and delivered. Interest coupons

Mechanical reproduction of signatures

(3) The signature of the chairman, or such other person authorized by by-law to sign the debentures or other like instruments, may be engraved, lithographed, printed or otherwise mechanically reproduced thereon and, if the debentures or other like instruments are countersigned in writing by a person authorized by by-law of the District Corporation to countersign, the signature of the treasurer may be engraved, lithographed, printed or otherwise mechanically reproduced thereon.

Effect of mechanical reproduction

(4) The seal of the District Corporation when so engraved, lithographed, printed or otherwise mechanically reproduced has the same force and effect as if manually affixed and the signature of the chairman or such other person authorized by by-law to sign the debentures or other like instruments and, if the debentures or other like instruments are countersigned, the signature of the treasurer when so engraved, lithographed, printed or otherwise mechanically reproduced shall be deemed the signature of the chairman or other person so authorized to sign or of the treasurer, as the case may be, and is binding upon the District Corporation.

Sufficiency of signatures

(5) Any debenture or other like instrument is sufficiently signed and countersigned if it bears the signatures of the persons provided in this section if such persons had authority to sign and countersign as provided in this section either on the date the District Council authorized the execution of such instrument or on the date such instrument bears or at the time it was issued and delivered.

Debentures on which payment has been made for one year to be valid

125. Where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture that has matured has been paid by the District Corporation, the by-law and the debentures issued under it are valid and binding upon the District Corporation.

Mode of transfer may be prescribed

126.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:

This debenture, or any interest therein, is not, after a certificate of ownership has been endorsed thereon by the treasurer of this Corporation (or by such other person authorized by by-law of this Corporation to endorse such certificate of ownership), transferable except by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book of the Corporation at the

.....

 of.....

the treasurer (or such other person so authorized), on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate that is subsequently given, and shall also enter in such book a memorandum of every transfer of such debenture.

(2) A certificate of ownership shall not be endorsed on a debenture except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, and, if the person last entered as owner of it is a corporation, the written authority of such corporation, or its successors, which authority shall be retained and filed by the treasurer.

Requirements as to endorsing certificate of ownership

(3) After a certificate of ownership has been endorsed, the debenture, if it contains or has endorsed upon it a provision to the like effect of the provision contained in subsection 1, is transferable only by entry by the treasurer (or by such other person so authorized) in the Debenture Registry Book as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney and, if the then owner of it is a corporation, the written authority of such corporation, or its successors.

Transfer by entry in Debenture Registry Book

127. Where a debenture is defaced, lost or destroyed, the District Council may by by-law provide for the replacing of the debenture on the payment of such fee and on such terms as to evidence and indemnity as the by-law may provide.

Replacement of lost debentures

128.—(1) On request of the holder of any debenture issued by the District Corporation, the treasurer of the District Corporation may issue and deliver to such holder a new debenture or new debentures in exchange therefor for the same aggregate principal amount.

Exchange of debentures

(2) On the request of the sinking fund committee, the treasurer of the District Corporation may, as provided in this section, exchange debentures heretofore or hereafter issued by the District Corporation.

On request of sinking fund committee

(3) Any new debentures mentioned in subsection 1 may be registered as to principal and interest but in all other respects shall be of the same force and effect as the debenture or debentures surrendered for exchange.

New debentures of same force and effect as debentures surrendered

(4) The treasurer and auditor of the District Corporation shall cancel and destroy all debentures surrendered for exchange and shall certify in the Debenture Registry Book

Debentures surrendered for exchange to be cancelled

that they have been cancelled and destroyed and shall also enter in the Debenture Registry Book particulars of any new debenture issued in exchange.

Application
of proceeds
of debentures

129.—(1) The moneys received by the District Corporation from the sale or hypothecation of any debentures to the extent that such moneys are required for the purposes for which the debentures were issued, and for the repayment of any outstanding temporary loans with respect thereto, shall be used only for such purpose or purposes.

Idem

(2) None of the moneys received by the District Corporation from the sale or hypothecation of any debentures shall be applied towards payment of the current or other expenditures of the District Corporation or an area municipality.

Surplus

(3) Where, on the sale of any debenture, an amount is realized in excess of that required for the purpose or purposes for which the debentures were issued, the excess amount shall be applied,

- (a) if any such debentures are redeemable prior to maturity at the option of the District Corporation, to redeem one or more of the debentures having the latest maturity date; or
- (b) to reduce the next annual levy on account of principal and interest payable with respect to such debentures; or
- (c) to reduce the amount of debentures to be issued for other capital expenditures of a similar nature for which the issue of debentures has been approved by the Municipal Board, provided that the principal and interest charges of such debentures are levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures with respect to which the excess arose.

Deficiency

(4) Where, on the sale of any debentures, a deficiency in the amount required for the purpose or purposes for which the debentures were issued is sustained, the amount of such deficiency shall be added to the sum to be raised for the first annual payment of principal and interest with respect to the debentures and the levy made in the first year for such purpose or purposes shall be increased accordingly or shall be raised by the issue of other debentures approved by the Municipal Board for the same or any similar purpose or purposes.

130. Where real or personal property acquired out of moneys received by the District Corporation from the sale or hypothecation of any debentures is disposed of by sale or otherwise, the net proceeds of such disposal shall be applied as an excess in accordance with subsection 3 of section 129 or with the approval of the Municipal Board, may be applied to meet the whole or a portion of any other capital expenditure the debt charges for which, if raised by taxation, would be raised by taxation levied upon the assessment of the same class of ratepayers as was levied upon for the principal and interest charges of the debentures issued in respect of the property disposed of or sold.

Use of proceeds of sale of assets acquired from proceeds of sale of debentures

131. When the District Corporation intends to borrow money on debentures under this or any other Act, the District Council may prior to the issue thereof call for tenders for the amount of money required and the person tendering shall specify the rate of interest the debentures shall bear when issued at par.

Tenders for debentures

132.—(1) The District Council shall,

Accounts, how to be kept

- (a) keep a separate account of every debenture debt;
- (b) where the whole of a debenture debt is not payable in the current year, keep in respect thereof,
 - (i) an additional account for the interest, if any, and
 - (ii) an additional account for the sinking fund or the instalments of principal,

distinguished from all other accounts by a prefix designating the purpose for which the debenture debt was contracted; and

- (c) keep the accounts so as to exhibit at all times the state of every debt, and the amount of money raised, obtained and appropriated for the payment of it.

(2) The District Council may by by-law provide and direct that instead of a separate account of the interest upon every debt being kept, a consolidated account of the interest upon all debts may be kept, but which consolidated account shall be so kept that it will be possible to determine therefrom the true state of the interest account upon every debt and that provision has been made to meet the interest upon every debt.

Consolidated interest account

Application
of surplus
money

133. If, in any year after paying the interest and appropriating the necessary sum in payment of the instalments, there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or in payment of the principal.

Liability of
members

134.—(1) If the District Council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application are personally liable for the amount so applied, which may be recovered in any court of competent jurisdiction.

Action by
ratepayer

(2) If the District Council, upon the request in writing of a ratepayer of any area municipality, refuses or neglects for one month to bring an action therefor, the action may be brought by any such ratepayer on behalf of himself and all other ratepayers in the District Area.

Disqualifi-
cation

(3) The members who vote for such application are disqualified from holding any municipal office for two years.

Refinancing
of debentures

135. When, by or under the authority of this Act, the District Corporation is or becomes liable for the payment to an area municipality of all amounts of principal and interest becoming due upon any outstanding debentures issued by the area municipality, the District Corporation may, with the approval of the Municipal Board,

- (a) cancel all such debentures that have not been sold and issue new debentures of the District Corporation in substitution and exchange therefor and apply the proceeds thereof, as may be directed by the Municipal Board, for the purposes for which such debentures were issued;
- (b) arrange with the area municipality for the redemption of all such debentures as are redeemable and issue new debentures of the District Corporation to raise the moneys required for such redemption;
- (c) purchase, by agreement with the owner or owners thereof, all such debentures of a single issue of the area municipality, and issue new debentures of the District Corporation to raise the money required to complete such purchase.

Disposal
of assets

136. After the 15th day of May in the year 1970, no local municipality shall, without the approval of the Ontario Municipal Board, dispose of any asset purchased at a cost of, or valued at, more than \$5,000.

137.—(1) This Part, except sections 107 and 136, comes into force on the 1st day of January, 1971. Commencement of Part

(2) Sections 107 and 136 come into force on the day this Act receives Royal Assent.

PART IX

GENERAL

138.—(1) Section 5, Parts XV, XVI, XVII and XXI, sections 248*b* and 250*a* and paragraphs 3 and 22 of section 377 of *The Municipal Act* apply *mutatis mutandis* to the District Corporation, and, for the purposes of section 410 of *The Municipal Act*, the District Corporation shall be deemed to be a local municipality. Application of R.S.O. 1960, c. 249

(2) Sections 10 and 11, and, subject to subsection 2 of section 2, subsection 2 of section 14 of *The Municipal Act* do not apply to any area municipality except in relation to alterations of boundaries, within the District Area, of area municipalities, which alterations, in the opinion of the Municipal Board, are of a minor nature. Exceptions

(3) The District Corporation shall be deemed to be a local municipality for the purpose of paragraph 116 of subsection 1 of section 379 of *The Municipal Act*. Nuisances

(4) Notwithstanding any other provision in this Act, the District Council may pass by-laws authorizing the head of the department concerned to grant such of the approvals and consents required by subsection 1 of section 36, subsection 2 of section 37 and subsection 2 of section 52 as are designated in the by-law, and any such by-law may prescribe terms and conditions under which any such approval or consent may be granted. Delegation of approval and consents

(5) For the purposes of *The Construction Safety Act, 1961-62* the District Corporation shall be deemed to be a county and the area municipalities shall be deemed to be the local municipalities that form part of the county for municipal purposes. Deemed county for 1961-62, c. 18

(6) Every by-law of a local municipality as it exists on the 31st day of December, 1970, shall remain in force in the area of the former local municipality on and after the 1st day of January, 1971 until repealed by the council of an area municipality as it affects such area municipality. By-laws to remain in force

139.—(1) The District Council may pass by-laws, Emergency measures and civil defence

(a) for the establishment and maintenance of an emergency measures civil defence organization in the District Area; and

- (b) for providing moneys for emergency measures and civil defence, for the purposes of the emergency measures civil defence organization and for the cost of the operation of such organization, and for other similar work in the District Area,

and when a by-law passed under this subsection is in force in the District Area any by-laws passed by the council of an area municipality under subclauses ii and iii of clause *b* of section 378 of *The Municipal Act* have no effect.

R.S.O. 1960,
c. 249

Powers of
District
Council

(2) When a by-law passed under clause *a* of subsection 1 is in force, the District Council may pass by-laws,

- (a) with the consent of the area municipality or local board concerned, for appointing heads of departments and alternates to be members of or advisers to the emergency measures planning committee or any subcommittee thereof;
- (b) with the consent of the area municipality or local board concerned, for training employees of the area municipality or local board in their emergency functions;
- (c) for appointing members of the emergency measures planning committee or of any subcommittee thereof, to be in charge of such departments or utilities throughout the District Area, as the by-law may provide, when an emergency has been proclaimed under the *War Measures Act* (Canada) or under *The Emergency Measures Act, 1962-63*;
- (d) for acquiring alternative headquarters for the District Government outside the District Area;
- (e) for obtaining and distributing emergency materials, equipment and supplies; and
- (f) for complying with any request of the Government of Canada or of Ontario in the event of a nuclear attack.

R.S.C. 1952,
c. 288
1962-63,
c. 41

Expendi-
tures for
diffusing
information

140. The District Corporation may make expenditures not exceeding \$50,000 in any one year for the purpose of diffusing information respecting the advantages of the district municipality as an industrial, business, educational, residential or vacation centre and may make annual grants for a period not exceeding five years, and upon the expiration of any such period may make similar grants for a further period not exceeding five years.

141. The District Council may make annual grants, not to exceed in any year a sum calculated at one-tenth of one mill in the dollar upon the total assessment upon which the district levy is apportioned in that year among the area municipalities under subsection 3 of section 99, to institutions, associations and persons carrying on or engaged in works that in the opinion of the District Council are for the general advantage of the inhabitants of the District Area and for which grant or grants there is no express authority provided by any other Act.

Grants to persons engaged in work advantageous to District Area

142. Where, in an action or by the settlement of a claim arising out of an injury to an employee or to any person deemed an employee for the purposes of *The Workmen's Compensation Act*, the District Corporation recovers damages from a third person, such damages or any portion thereof may be paid to such employee or person or in the event of his death, to one or more of his dependants upon such terms and conditions as the District Corporation may impose.

Payment of damages to employees
R.S.O. 1960, c. 437

143.—(1) Where the District Council passes a resolution requesting a judge of the district court within the District Area or a judge of the county court or district court of a county or district adjoining the District Area to investigate any matter relating to a supposed malfeasance, breach of trust or other misconduct on the part of a member of the District Council, or an officer or employee of the District Corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, employee or other person to the District Corporation, or to inquire into or concerning any matter connected with the good government of the District Corporation or the conduct of any part of its public business, including any business conducted by a local board of the District Corporation, the judge shall make the inquiry and for that purpose has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*, and he shall with all convenient speed, report to the District Council the result of the inquiry and the evidence taken.

Investigation by judge of charges of malfeasance

R.S.O. 1960, c. 323

(2) The judge shall be paid by the District Corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable to judge

R.S.O. 1960, c. 197

(3) The District Council may engage and pay counsel to represent the District Corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the District Corporation, and any person charged with malfeasance, breach of trust or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel.

Engaging counsel

Idem

(4) The judge may engage counsel and such other assistants and staff and incur such incidental expenses as he considers advisable for the proper conduct of the investigation or inquiry, and the District Corporation shall pay the costs thereof.

Commission
of inquiry

144.—(1) The Lieutenant Governor in Council, upon the recommendation of the Minister, may issue a commission to inquire into any of the affairs of the District Corporation or a local board thereof, and any matter connected therewith, and the commissioner has all the powers that may be conferred on a commissioner under *The Public Inquiries Act*.

R.S.O. 1960,
c. 323When
commission
may issue

(2) A commission may be recommended at the instance of the Department or upon the request in writing of not less than one-third of the members of the District Council, or of not less than fifty ratepayers of an area municipality assessed as owners and resident therein.

Expenses of
commission

(3) The expenses of and incidental to the execution of the commission including the fees and disbursements of the commissioner, shall be fixed and certified by the Minister and are subject to such division between the District Corporation and the Province of Ontario as the Lieutenant Governor in Council may direct.

Entry on
highways

145. The District Corporation for its purposes may enter, break up, dig and trench in, upon and under the highways, lanes and other public communications of any area municipality and may construct and maintain therein pipes, sewers, drains, conduits and other works necessary for its purposes, without making compensation therefor, but all such highways, lanes and other public communications shall be restored to their original condition without unnecessary delay.

Agreements
re services

146. The District Corporation and any area municipality may enter into agreements for the use within any part of the District Area of the services of their respective officers, employees and equipment.

Application
of 1968-69,
c. 6

147.—(1) For the purposes of paragraph 9 of section 3 and section 35 of *The Assessment Act, 1968-69*, the District Corporation shall be deemed to be a municipality.

District
Corporation
and area
municipali-
ties not
deemed
tenants

(2) For the purposes of paragraph 9 of section 3 of *The Assessment Act, 1968-69*, where property belonging to the District Corporation is occupied by an area municipality or where property belonging to an area municipality is occupied by the District Corporation or another area municipality, the occupant shall not be deemed to be a tenant or lessee, whether rent is paid for such occupation or not.

(3) In subsection 2, "District Corporation" and "area municipality" include a local board thereof.

148.—(1) An execution against the District Corporation may be endorsed with a direction to the sheriff to levy the amount thereof by rate, and the proceedings therein shall then be the following:

Executions
against
District
Corporation

1. The sheriff shall deliver a copy of the writ and endorsement to the treasurer of the District Corporation, or leave such copy at the office or dwelling place of that officer, with a statement in writing of the sheriff's fees and of the amount required to satisfy the execution, including the interest calculated to some day as near as is convenient to the day of the service.
2. If the amount with interest thereon from the day mentioned in the statement is not paid to the sheriff within one month after the service, the sheriff shall examine the assessment rolls of all the area municipalities and shall, in like manner as the levies of the District Council for general purposes are apportioned among the area municipalities determine the portion of the amount mentioned in the statement that shall be levied against and in each area municipality.
3. The sheriff shall then in like manner as rates struck for general municipal purposes within each area municipality strike a rate sufficient in the dollar to cover its share of the amount due from the execution, and in determining such amount he may make such addition to the same as the sheriff deems sufficient to cover its share of the interest up to the time when the rates will probably be available and his own fees and poundage.
4. The sheriff shall thereupon issue a precept under his hand and seal of office directed to the collector of the area municipality, and shall annex to the precept the roll of such rate and shall by the precept, after reciting the writ and that the District Corporation has neglected to satisfy the same, and referring to the roll annexed to the precept, command the collector to levy such rate at the time and in the manner by law required in respect of the general annual rates.
5. If at any time for levying the annual rates next after the receipt of such report, the collector has a general rate roll delivered to him for the year, he

shall add a column thereto, headed "Execution rate in A.B. vs The District Municipality of Muskoka" (Adding a similar column for each execution if more than one), and shall insert therein the amount by such precept required to be levied upon each person respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time within which he is required to make the return of the general annual rate, return to the sheriff the precept with the amount levied thereon.

6. The sheriff shall, after satisfying the execution and all the fees and poundage thereon, pay any surplus, within ten days after receiving the same, to the treasurer of the area municipality.

Functions of
clerk, etc.

(2) The clerk, assessor and collector of each area municipality shall, for all purposes connected with carrying into effect or permitting or assisting the sheriff to carry into effect, the provisions of this Act with respect to such execution, be deemed to be officers of the court out of which the writ issued, and as such are amenable to the court and may be proceeded against by attachment, mandamus or otherwise in order to compel them to perform the duties imposed upon them.

Settling of
doubts

149. In the event of any doubt as to whether any particular asset or liability is vested in the District Corporation under this Act, the Municipal Board upon application has power to determine the matter as sole arbitrator and sections 94 and 95 of *The Ontario Municipal Board Act* do not apply to decisions or orders made in the exercise of such power.

R.S.O. 1960,
c. 274

Conditional
powers

150. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that are deemed necessary or advisable to carry out effectively the intent and purposes of this Act.

Conflict
with other
Acts

151. The provisions of this Act apply notwithstanding the provisions of any general or special Act and, in the event of any conflict between this Act and any general or special Act, this Act prevails.

Municipal
buildings

152.—(1) The District Corporation or an area municipality or the District Corporation and one or more area municipalities,

- (a) may acquire land for the purpose of constructing municipal buildings; and

- (b) may construct municipal buildings for the use of the District Corporation or the District Corporation and one or more area municipalities or any local board thereof.

(2) Section 252 of *The Municipal Act* applies *mutatis mutandis* to any joint undertaking under this section.

Application of R.S.O. 1960, c. 249

153. The District Corporation shall appoint a District Fire Co-ordinator who shall be responsible for the establishment of an emergency fire service plan and program for the District Area and the District Corporation is authorized to expend such sums as it considers necessary to implement such plan and program.

District Fire Co-ordinator

154. The Minister may by order, on the request of any area municipality, dissolve any board of a community centre or board of recreation or park management of the area municipality and transfer the assets and liabilities of such board to the area municipality and may deem the council of the area municipality to be a recreation committee under *The Department of Education Act* and the regulations thereunder and a board of a community centre under *The Community Centres Act*.

Recreation and parks management boards

R.S.O. 1960, cc. 94, 60

155.—(1) The District Corporation shall be deemed to be a local municipality for the purposes of paragraph 9 of section 377 of *The Municipal Act*.

Deemed municipality under R.S.O. 1960, c. 249, s. 377, par. 9

(2) The District Corporation shall be deemed to be a regional municipality for the purposes of *The Tile Drainage Act* and *The Conservation Authorities Act, 1968*.

Deemed regional municipality R.S.O. 1960, c. 399 1968, c. 15

156.—(1) The area municipalities of Bracebridge, Gravenhurst and Huntsville shall be deemed to be townships for the purposes of paragraphs 1, 2, 3 and 4 of section 394 of *The Municipal Act*.

Bracebridge, Gravenhurst and Huntsville deemed townships

(2) The provisions of section 245 of *The Municipal Act* do not apply in the year 1970 to any local municipality in the District Area.

Application of R.S.O. 1960, c. 249, s. 245, in 1970

157.—(1) In this section, "waste" includes ashes, garbage, refuse and domestic or industrial waste of any kind.

Interpretation

(2) Where an area municipality has requested the District Corporation to provide facilities for the purpose of receiving, dumping and disposing of waste, the District Corporation and the area municipality may enter into an agreement for the use and operation of such facilities.

Agreement

Waste disposal sites

(3) For the purposes of an agreement under subsection 2, the District Corporation may acquire and use land within the District Area and may erect, maintain and operate buildings, structures, machinery or equipment for the purposes of receiving, dumping and disposing of waste, and may contract with any person for such purposes, and may prohibit or regulate the dumping and disposing of waste or any class or classes thereof upon any such land, and may charge fees for the use of such property, which fees may vary in respect of different classes of waste.

Application of by-law under R.S.O. 1960, c. 249, s. 379, subs. 1, par. 112

(4) A by-law passed under paragraph 112 of subsection 1 of section 379 of *The Municipal Act* does not apply to the District Corporation.

Acquisition of land for waste disposal

(5) For the purposes of subsection 3, paragraph 76 of subsection 1 of section 379 of *The Municipal Act* applies *mutatis mutandis*.

Existing speed limits continued R.S.O. 1960, c. 172

158.—(1) Notwithstanding the other provisions of this Act but subject to subsections 2 and 3, for the purposes of section 59 of *The Highway Traffic Act* the areas in the District Area that, on the 31st day of December, 1970, formed part of a town, village or township municipality shall be deemed to continue to form part of a town, village or township municipality.

By-laws of District Council and area councils

(2) Notwithstanding subsection 1, the District Council and the council of each area municipality may exercise any of its powers under section 59 of *The Highway Traffic Act* in respect of highways under its jurisdiction and control.

Existing by-laws under s. 59 of R.S.O. 1960, c. 172, continued

(3) Every by-law passed by the council of a municipality under any provision of section 59 of *The Highway Traffic Act* that applied, on the 31st day of December 1970, to any highway or portion thereof within the District Area shall continue to apply thereto until a by-law passed by the District Council or the council of an area municipality under such section 59 applies thereto.

Gravel pit vested in Town of Gravenhurst

159. The lands in the Township of Muskoka more particularly described as follows:

COMMENCING at the southeast angle of Lot 4 Concession X, Township of Muskoka, District of Muskoka.

THENCE westerly along the southerly boundary a distance of 300 feet to a point east of a road known as the Switch Road;

THENCE northerly following the easterly limit of the said Switch Road a distance of 150 feet;

THENCE northeasterly in a direct line for a distance of 500 feet more or less to a point in the easterly limit of the said Lot 4 that is distant northerly thereon 575 feet from the southeasterly angle thereof;

THENCE southerly following the easterly limit of the said Lot a distance of 575 feet to the point of commencement,

are hereby, on the 1st day of January, 1971, vested in the Town of Gravenhurst without payment of compensation and the clerk of the Town of Gravenhurst shall forthwith after this section comes into force file a copy of this section in the appropriate registry or land titles office.

160.—(1) On and after the 1st day of January, 1971, no area municipality shall be required to comply with section 111 of *The Power Commission Act*. Application of R.S.O. 1960, c. 300, s. 111

(2) The public utilities commissions that have control and management of the distribution and supply of electrical power and energy and hydro-electric commissions within the District Area are continued for the year 1971 as local boards of the area municipality in which they have jurisdiction, and the powers and duties of every such public utility commission, except with respect to the distribution and supply of electrical power and energy, shall become on the 1st day of January, 1971, powers and duties of an area municipality or the District Corporation as required by this Act. Powers of utilities commissions transferred to area municipality or District Corporation

(3) Where, on the 31st day of December, 1970, The Hydro-Electric Power Commission of Ontario or a public utilities commission or a hydro-electric commission is supplying electrical power and energy in any area within the District Area, such commission shall continue until the 1st day of January, 1972, to distribute and sell power within such area. Distribution of electrical power

(4) The members of a public utilities commission or a hydro-electric commission referred to in subsection 2, including *ex-officio* members, who hold office when this section comes into force, shall continue to hold office until the 1st day of January, 1972 and in addition to such members, the mayor elected for the area municipality in which such a commission operates shall also be a member of such commission. Members of commissions continued in office

(5) All public utilities commissions and waterworks commissions within the District Area except those referred to in subsection 2 are hereby dissolved on the 1st day of January, 1971, and no area municipality shall entrust the construction, control and management of a waterworks or sewage system to any public utilities commission. Commissions dissolved

Election
R.S.O. 1960,
c. 362

161.—(1) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*,

- (a) the polling day for the members of the Muskoka Board of Education in the year 1970 shall be the 5th day of October, and the hours of polling shall be the same as for the municipal elections in the District Area; and
- (b) the Minister shall by order fix the days, times and places for the nomination of candidates for the Muskoka Board of Education in the year 1970 and provide for the holding of the nomination meetings,

and otherwise the provisions of *The Secondary Schools and Boards of Education Act* apply.

Determina-
tions and
appeals,
etc.

(2) Notwithstanding section 92 of *The Secondary Schools and Boards of Education Act*, any reference in such section to the 1st day of September shall be deemed to be a reference to the 1st day of August, and, subject to subsection 1, all other dates in such section shall be advanced by thirty days.

Roads
boards, etc.,
dissolved

162.—(1) Every local roads board and statute labour board that has jurisdiction in the District Area is dissolved on the 1st day of January, 1971 and all the assets and liabilities of such board become on such date assets and liabilities of the area municipality in which such board had jurisdiction.

Taxes and
penalties

(2) All taxes and penalties assessed by a local roads board or statute labour board against any land which are due and unpaid on the 1st day of January, 1971 shall be deemed on such date to be taxes and penalties due and payable upon such land to the area municipality in which such land is situate, and the collector of the area municipality shall enter such taxes and penalties in the collector's roll and may collect them in the same manner as if such taxes had been levied and penalties imposed by the area municipality, and the collector shall forthwith notify the owner or his agent as shown on the register of such board that the taxes and penalties are due and payable to the area municipality.

Credits of
local roads
boards, etc.
1964, c. 56

(3) All moneys standing to the credit of a local roads board under section 31 of *The Local Roads Boards Act, 1964*, in relation to tax moneys received by the secretary-treasurer of the board up to the 1st day of January, 1971, shall be paid over by the Treasurer of Ontario to the area municipality in which the local roads board had jurisdiction.

163. The expenditures of the District Corporation during ^{Expenditures} the year 1970, as approved by the Department, shall be paid out of the Consolidated Revenue Fund.

164.—(1) This Part comes into force on the day this Act ^{Commence-} receives Royal Assent.
ment

(2) Section 1 comes into force on the day this Act receives ^{Idem} Royal Assent.

165. This Act may be cited as *The District Municipality* ^{Short title} of Muskoka Act, 1970.

FORM 1

(Section 10 (6))

OATH OF ALLEGIANCE

I,, having been elected (*or appointed*) as chairman of the council of The District Municipality of Muskoka, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II (*or the reigning sovereign for the time being*).

Sworn before me, etc.

FORM 2

(Section 10 (6))

DECLARATION OF QUALIFICATION BY CHAIRMAN

I,, having been elected (*or appointed*) as chairman of the council of The District Municipality of Muskoka, declare that:

1. I am a British subject and am not a citizen or a subject of any foreign country.

2. I am of the full age of twenty-one years.

3. I am not an officer, employee or servant of any area municipality or any local board of any area municipality.

4. I have not by myself or a partner, directly or indirectly, any interest in any contract with or on behalf of The District Municipality of Muskoka or any local board thereof or any area municipality or local board thereof.

5. I have taken the oath of allegiance (Form 1) which I attach hereto.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of the *Canada Evidence Act*.

Declared before me, etc.

An Act to establish The District
Municipality of Muskoka

1st Reading

May 7th, 1970

2nd Reading

May 28th, 1970

3rd Reading

June 25th, 1970

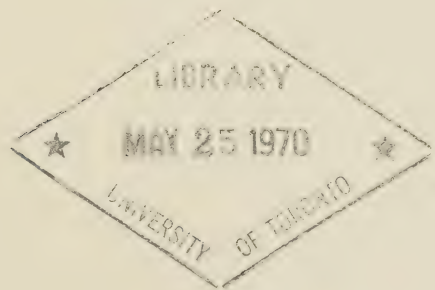
MR. MCKEOUGH

BILL 81

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Schools Administration Act

MR. REID (Scarborough East)



EXPLANATORY NOTE

The Bill would permit school boards in a municipality including separate and public school boards to enter into agreements for the joint use of school facilities.

BILL 81

1970

An Act to amend The Schools Administration Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Paragraph 39 of section 35 of *The Schools Administration Act*, as re-enacted by subsection 5 of section 4 of *The Schools Administration Amendment Act, 1968-69*, is amended by striking out "except a" in the third line and inserting in lieu thereof "including another", so that the paragraph shall read as follows:

39. enter into an agreement with the council of a municipality, including a regional municipality or a county, or a local board thereof including another school board, in respect of the joint use of educational and municipal facilities,

2. This Act comes into force on the day it receives Royal Assent.

3. This Act may be cited as *The Schools Administration Amendment Act, 1970*.

An Act to amend
The Schools Administration Act

1st Reading

May 12th, 1970

2nd Reading

3rd Reading

MR. REID (Scarborough East)

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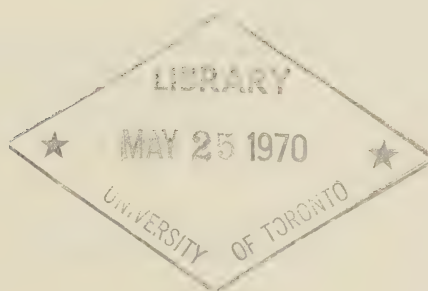
Government
Publications

BILL 82

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

The Exploitation of Violence (Deterrent) Act, 1970

MR. BEN



EXPLANATORY NOTE

The Bill requires film distributors to list with the Director of the Board of Censors all scenes of violence shown in films for which they seek approval to exhibit in Ontario, and to pay a monetary penalty proportioned to the number and nature of the scenes of violence depicted. Television stations are prohibited from soliciting advertisements on or sponsorship of any film or live presentation containing scenes of violence *bona fide* sporting events excepted.

BILL 82

1970

The Exploitation of Violence (Deterrent) Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act, "Director" means the Director of the Board of Censors appointed under *The Theatres Act*. Interpre-
tation
R.S.O. 1960,
c. 396

2. Film distributors seeking approval for the exhibition of their films in Ontario shall furnish to the Director, along with such other documentation as may already be required, a copy of the script of the film as finally edited for exhibition in Ontario, together with an analytical list of the scenes of violence depicted, on a standard form to be obtained in quantity from the office of the Director. Scenes of
violence in
film to be
listed on
form

3. It shall be set out in the form mentioned in section 2 how many acts of violence are committed in the film, together with the nature of each such act in which death is depicted, as for example, whether by shooting, stabbing, poisoning, explosion, artillery bombardment, running down by motor vehicle, beating or, as the case may be, and in like manner shall indicate the nature of each act of violence in which death is not depicted. Contents
of form

4. Each act of violence exhibited in a cinema, hall or theatre in Ontario shall be the subject of a penalty, to be paid by the exhibitor according to a schedule to be furnished by the Director and published by the distributor upon its receipt from the Director. Schedule of
penalties

5. No approval for the exhibition of a film in Ontario shall be issued prior to the formulation of a violence penalty schedule for that particular film. Approval
for
exhibition

6. The above provisions shall also apply to cartoon films. Application
of Act

Advertising
prohibited

7. No television station operating from a transmitter located within Ontario shall solicit advertisements, either by way of sponsorship or spot participation, either directly or through agents, for any film or live program containing scenes of violence, other than a recognized sporting event, upon pain of penalties as prescribed by the Lieutenant Governor in Council.

Regulations

8. The Lieutenant Governor in Council may make regulations setting forth the schedule of penalties and related regulations prescribing the administrative and fiscal arrangements for executing the purposes of this Act.

Commence-
ment

9. This Act comes into force on the 1st day of January, 1971.

Short title

10. This Act may be cited as *The Exploitation of Violence (Deterrent) Act, 1970*.

BILL 82

**The Exploitation of Violence
(Deterrent) Act, 1970**

1st Reading

May 12th, 1970

2nd Reading

3rd Reading

MR. BEN

BILL 83

Government
Printed at the

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to prevent Discrimination in Employment
because of Sex or Marital Status**

MR. BALES



EXPLANATORY NOTES

The Bill prohibits discrimination in employment on the grounds only of sex or marital status. The prohibition against discrimination as to wages is contained in *The Employment Standards Act, 1968*.

The Ontario Women's Bureau is established for the administration and enforcement of the Act and other duties and programs mentioned in section 11 of the Bill.

Procedures are provided for the determination of complaints and enforcement of such determination.

BILL 83

1970

An Act to prevent Discrimination in Employment because of Sex or Marital Status

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "board" means a board of inquiry appointed under this Act;
- (b) "Director" means the Director of the Ontario Women's Bureau;
- (c) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- (d) "Minister" means the Minister of Labour or such other member of the Executive Council as this Act is assigned to by the Lieutenant Governor in Council;
- (e) "person", in addition to the extended meaning given it by *The Interpretation Act*, includes an employment agency, an employers' organization and a trade union; R.S.O. 1960,
c. 191
- (f) "regulations" means the regulations made under this Act;
- (g) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

2. Except as specifically exempted by this Act or the regulations, this Act applies in respect of the employment of all persons, whether male or female. Application
of Act

3.—(1) Sections 4, 5, 6, 7, 8, 9 and 10 bind the Crown.

Application
of sections
4 to 10

Idem

(2) Sections 4, 5, 6, 7, 8, 9 and 10 apply notwithstanding any agreement or waiver to the contrary.

Application
of sections
4, 6, 7, 8

(3) Sections 4, 6, 7 and 8 do not apply in respect of an employer who employs fewer than six employees.

Discrimin-
ation in
employment

4. No person shall,

- (a) refuse to refer or to recruit any person for employment;
- (b) dismiss or refuse to employ or to continue to employ any person;
- (c) refuse to train, promote or transfer an employee; or
- (d) subject an employee to probation or apprenticeship or enlarge a period of probation or apprenticeship,

because of sex or marital status unless the work or the position cannot reasonably be performed by that person or employee because of sex or marital status.

Discrimin-
ation by
employment
agencies

5. No employment agency shall discriminate against any person because of sex or marital status in receiving, classifying, disposing or otherwise acting upon applications for its service or in referring an applicant or applicants to an employer or anyone acting on his behalf.

Discrimin-
ation in
employment
classifi-
cations

6. No person shall establish or maintain any employment classification or category that, by its description or operation, excludes any person from employment or continued employment on the grounds of sex or marital status unless the work or the position cannot be reasonably performed by persons of that sex or marital status.

Discrimin-
ation in
advancement

7. No person shall maintain separate lines of progression for advancement in employment or separate seniority lists that are based on sex or marital status where the maintenance will adversely affect any employee unless sex or marital status is a reasonable occupational qualification for the work.

Discrimin-
atory
advertising

8. No person shall publish or display or cause to be published or displayed or permit to be published or displayed any notice, sign, advertisement or publication that expressly limits a position to applicants of a particular sex or marital status.

Pregnancy
leave

9.—(1) An employer shall not terminate the employment of an employee because of her pregnancy, but the employer, before or after the commencement of the period referred to in sub-

section 2, may require the employee to commence a leave of absence at such time as the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the employee's work is materially affected by the pregnancy.

(2) Every employer shall, upon the request of an employee ^{Idem} and receipt of a certificate by a legally qualified medical practitioner stating that the employee named therein is pregnant and specifying the date upon which delivery will occur in his opinion, grant or cause to be granted to the employee a leave of absence at any time during a period of six weeks immediately preceding the specified date and until the date of actual delivery.

(3) The employee shall not work and the employer shall not ^{Post-natal leave} cause or permit her to work for at least six weeks after the date of delivery or for such shorter period as, in the written opinion of a legally qualified medical practitioner, is sufficient.

(4) Where the employee reports for work upon the expiration of the period referred to in subsection 3, the employer ^{Preservation of seniority, etc.} shall permit her to resume work with no loss of seniority or benefits accrued to the commencement of the maternity leave.

(5) For the purposes of subsection 1, an employee shall ^{Production of certificate} produce, when so requested by the employer, the certificate referred to in subsection 2.

(6) This section does not apply in respect of an employer ^{Application of section: employers} unless he employs twenty-five or more employees.

(7) This section does not apply in respect of an employer ^{employees} unless the employee has worked continuously for her employer for at least one year prior to the commencement of the period of six weeks referred to in subsection 2.

10. No person shall,

Reprisals

- (a) refuse to employ or to continue to employ any person;
- (b) threaten to dismiss or threaten to penalize in any other way any person in regard to such person's employment or any term or condition thereof;
- (c) discriminate against any person in regard to such person's employment or any term or condition thereof; or

- (d) intimidate or coerce or impose any pecuniary or other penalty upon any person,

on the ground that such person,

- (e) has made or may make a complaint under this Act;
- (f) has made or may make a disclosure concerning the matter complained of;
- (g) has testified or may testify in a proceeding under this Act; or
- (h) has participated or may participate in any other way in a proceeding under this Act.

Ontario
Women's
Bureau
established

11.—(1) There shall be a branch of the Department of Labour, to be known as the Ontario Women's Bureau, which shall consist of a Director and such other officers and employees as are considered necessary

Functions

(2) The Bureau shall, subject to the direction and control of the Minister,

- (a) conduct research and educational programs for the purpose of improving the status and qualifications of women employees;
- (b) promote the expansion of training and employment opportunities for women;
- (c) inform and advise women in respect of training and employment;
- (d) receive and investigate complaints of conduct in contravention of legislation providing for equal employment opportunity for women;
- (e) enforce legislation providing for equal employment opportunity for women;
- (f) perform any other duties given to it by any Act.

Director
responsible
to Minister

(3) The Director is responsible to the Minister for the administration of the Bureau.

Complaint

12.—(1) Any person who has reasonable grounds for believing that any person has contravened a provision of sections 4 to 9 may file with the Director a complaint in the form prescribed by the regulations.

(2) Where a complaint is made in respect of an alleged contravention of section 4 or 9 by a person other than the person whom it is alleged was dealt with contrary to section 4 or 9, the Director may refuse to file the complaint unless the person alleged to be offended against consents thereto.

13.—(1) Where a complaint is filed, the Director or a person designated by the Director shall inquire into the complaint and endeavour to effect a settlement of the matter complained of.

(2) A settlement incorporating agreement in respect of any matter that a board would be authorized to include in an order under section 22 may be entered into,

- (a) in respect of a complaint involving a contravention of section 4 or 9 between the Director, the person who it is alleged has contravened section 4 or 9 and the person who it is alleged was dealt with contrary to section 4 or 9;
- (b) in respect of a complaint involving a contravention of section 5, 6, 7 or 8 between the Director and the person who it is alleged has contravened such section,

and shall be in writing signed by the parties entering into it.

(3) A settlement is binding on the parties entering into it and may be enforced in a court of competent jurisdiction.

(4) A settlement may be entered into while the matter is the subject of a proceeding before a board, but such a settlement is not binding until it is approved by the board and the board may incorporate the settlement into its order, and the consideration by the board of a settlement does not affect the competence of the board to continue its proceedings where it fails to approve the settlement.

(5) Where, in the opinion of the Director, a party to a settlement does not comply with its terms, the Director may file a complaint of the contravention and the matter may be disposed of in the same manner as other complaints.

(6) Where, after a settlement is entered into, an order of a board is made in respect of the same matter under subsection 4 or as a result of a complaint filed under subsection 5, the settlement is superseded by the order and no longer binding.

14.—(1) Where it appears to the Director that a complaint will not be settled, the Director shall make a recommendation to the Minister as to whether or not a board should be

appointed, and the Minister may, in his discretion, appoint a board or inquiry, consisting of one or more persons, to hear and decide the complaint.

Notice of
appointment

(2) Forthwith after the appointment of a board of inquiry, the Minister shall communicate the names of the members of the board to,

(a) the Director; and

(b) any person, other than the Director, who is required by subsection 1 of section 15 to be a party to the proceedings,

and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.

Adminis-
tration of
oaths

(3) A member of a board has power to administer oaths and affirmations for the purpose of any of its proceedings.

Remuner-
ation of
board

(4) The Lieutenant Governor in Council may determine the rate of remuneration of the chairmen and members of the boards of inquiry appointed under this section.

Parties

15.—(1) The parties to a proceeding before a board of inquiry with respect to any complaint shall be,

(a) the Director, who shall have the carriage of the complaint;

(b) the person named in the complaint as the complainant;

(c) any person named in the complaint and alleged to have contravened this Act;

(d) any person, other than the person mentioned in clause *b*, named in the complaint and alleged to have been dealt with contrary to section 4 or 9 of this Act; and

(e) any other person specified by the board upon such notice as the board may determine and after being given an opportunity to be heard against his joinder as a party.

Notice of
hearing

(2) The board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

(3) The notice of hearing shall contain,

Contents
of notice
of hearing

- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a statement as to where and how further information about the proceedings may be obtained;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the board may proceed in his absence and he is not entitled to notice of any further proceedings.

(4) A true copy of the complaint shall be annexed to the notice of the hearing that is served upon any party except the Director.

Service of
complaint

(5) If a person who has been duly notified of a hearing does not attend, the board may proceed in his absence.

Effect of
non-
attendance

16.—(1) A hearing may be adjourned from time to time by the board on reasonable grounds,

Adjourn-
ments

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

(2) The board may, in the form prescribed by the regulations, command the attendance before it of any person as a witness.

Summonses

(3) The board may require any person,

Evidence

- (a) to give evidence on oath at a hearing; and
- (b) to produce such documents and things as the board may require.

(4) A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence.

Protection
for
witnesses

Unsworn
evidence

(5) The board may admit evidence not given under oath.

Contempt
proceedings

(6) Any person who, without lawful excuse,

- (a) on being duly summoned as a witness before the board, makes default in attending; or
- (b) being in attendance as a witness before the board refuses to take an oath legally required by the board to be taken, or to produce any document or thing in his power or control legally required by the board to be produced by him, or to answer any question to which the board may legally require an answer; or
- (c) does any other thing that would, if the board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

Offence

(7) The board may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of court.

Rights of
parties
to counsel,
to examine
witnesses,
etc., at
hearings

17. A party to the proceedings may at a hearing,

- (a) be represented by counsel or an agent;
- (b) call and examine witnesses and present his arguments and submissions;
- (c) conduct cross-examinations of witnesses at a hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.

Rights of
witnesses
to counsel

18.—(1) A witness at a hearing is entitled to be advised by his counsel or agent as to his rights, but such counsel or agent may take no other part in the hearing without leave of the board.

Idem

(2) Where a hearing is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence.

19. All hearings shall be open to the public except where the board finds that intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public in which case the board may hold the hearing concerning any such matters *in camera*. ^{Hearings open to public}

20. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the board within a reasonable time after the matter in issue has been finally determined. ^{Release of documents}

21. All oral evidence received by the board shall be taken down in writing and together with, ^{Record}

(a) the notice of hearing;

(b) the complaint;

(c) any rulings or orders made in the course of the proceedings of the board;

(d) any written submissions received by the board; and

(e) the decision and the reasons therefor, form the record.

22.—(1) The board after hearing a complaint, ^{Order of board}

(a) shall decide whether or not any party has contravened this Act; and

(b) may make an order under subsection 2.

(2) Where the board decides that any party has contravened any provision of sections 4 to 9, the board may order, ^{Idem}

(a) such party to do any act or thing that, in the opinion of the board, constitutes full compliance with such provision; and

(b) where a person has been dealt with contrary to a provision of section 4 or 9, the board may order such party to rectify any injury caused such person or to make compensation therefor.

Majority decision	(3) Where a board of inquiry is composed of more than one person, the decision of the majority is the decision of the board.
Decision	23. —(1) The board shall give its final decision in writing and shall give reasons in writing therefor if requested by a party.
Reasons	(2) The reasons for the decision shall contain, <ul style="list-style-type: none"> (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision; (b) any agreed findings of facts; and (c) the conclusions of law based on the findings mentioned in clauses <i>a</i> and <i>b</i>.
Service	(3) The board shall cause to be served on the parties a copy of its order, including the reasons therefor, if any, and a notice stating the rights of appeal.
Appeal	24. —(1) Any party to the hearing before a board may appeal from the order of the board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same <i>mutatis mutandis</i> as upon an appeal from the High Court.
Record	(2) The record in the Court of Appeal shall include all of the documents and things specified in section 21.
Counsel	(3) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.
Jurisdiction of Court of Appeal	(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the board or direct the board to make any decision or order that the board is authorized to make under this Act and as the court considers proper, and the court may substitute its opinion for that of the board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.
Appeal final	(5) The decision of the Court of Appeal is final.
Enforcement of decisions	25. A copy of the final order of the board, exclusive of the reasons therefor, certified under section 32, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

26. The Director may require any employer to post such notices respecting the administration and content of this Act as the Director may direct, and the employer shall post and keep posted such notices in a conspicuous place frequented by his employees. Posting notices

27.—(1) Every employer shall, Production of records

(a) in respect of an employee, produce the records required by this Act or the regulations or by section 31 of *The Employment Standards Act, 1968* for inspection by the Director or any person authorized by the Minister, and shall for this purpose provide access to his premises for the Director or such person at all reasonable times and at any time his employees are engaged in their work; and 1968, c. 35

(b) furnish such information from the records at such time and place as the Director may require.

(2) The Director or any person designated to inquire into a complaint under subsection 1 of section 13 has the same powers to inspect and examine books, payrolls and other records in respect of an employee and to take extracts or copies thereof, and to enter premises and to question employees as are possessed by the Director of Employment Standards under section 33 of *The Employment Standards Act, 1968*. Inspection

28.—(1) Where the Director is authorized under this Act or the regulations to require a person to furnish information, the Director may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known place of abode of the person for whom the notice is intended, and such person shall furnish the information within such reasonable times as is specified in the notice. Notice to furnish information

(2) A certificate of the Director certifying that the notice was sent by registered mail to the person to whom it was addressed, accompanied by and identifying the post office certificate of the registration and a true copy of the notice is admissible in evidence as *prima facie* proof of the mailing and receipt of the notice. Proof of service

(3) Where the Director is authorized to require a person to furnish information under this Act, a certificate of the Director certifying that the information has not been furnished is admissible in evidence as *prima facie* proof that in such case the person did not furnish the information. Proof of failure to comply

Proof of
documents

(4) A certificate of the Director certifying that a document annexed thereto is a document or true copy of a document made by or on behalf of the Director is admissible in evidence as *prima facie* proof of the nature and contents of the document and shall be received in evidence in the place and stead of the original and has the same force and effect as the original document would have had if produced and proved.

Proof of
authority

(5) A certificate under this section signed or purporting to be signed by the Director is admissible in evidence as *prima facie* proof of the facts stated therein and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Service

29. Subject to the Rules of the Supreme Court respecting an appeal to the Court of Appeal, the service of any notice or document required for any of the purposes of this Act shall be effected by prepaid post or by personal service in the manner prescribed for the service of summonses by section 6 of *The Summary Convictions Act*, which applies *mutatis mutandis*.

R.S.O. 1960,
c. 387

Penalty

30.—(1) Every person who,

(a) contravenes any provision of this Act or the regulations; or

(b) fails to comply with any order of a board under this Act,

is guilty of an offence and on summary conviction is liable,

(c) if an individual, to a fine of not more than \$800; or

(d) if a corporation, trade union, employers' organization or employment agency, to a fine of not more than \$3,000.

Consent of
Minister

(2) No prosecution for an offence under subsection 1 shall be instituted except with the consent in writing of the Minister.

Prosecution
of trade
union, etc.

(3) A prosecution for an offence under subsection 1 may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the trade union or employers' organization shall be deemed to be an act or thing done or omitted by the trade union or employers' organization.

(4) In any prosecution for a contravention of any provision of this Act or the regulations, it shall be a sufficient defence if the defendant shows that the contravention occurred in the course of compliance with any provision for the protection or welfare of women and young girls contained in *The Industrial Safety Act, 1964* or *The Employment Standards Act, 1968*. Defence
1964, c. 45
1968, c. 35

31.—(1) Where a person has been convicted of an offence under section 30, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order prohibiting such person from continuing the conduct constituting the offence. Restraining
order

(2) The judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. Enforce-
ment

32. A certificate purporting to be signed by a member of a board certifying that a document annexed thereto is a true copy of an order of the board is admissible in evidence in any proceeding as *prima facie* proof of the contents of the order without proof of the signature or the official position of the person appearing to have signed the certificate. Certified
copies of
orders

33.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) exempting any class of employers or employees from the application of this Act or the regulations or any provision thereof;
- (b) prescribing the records that shall be kept and the returns that shall be made by employers;
- (c) governing the production and inspection of records required to be kept by employers;
- (d) requiring employers to notify employees of the provisions of this Act and the regulations, by the publication of such notices in such manner as may be prescribed;
- (e) providing for the establishment of a consultative or advisory committee to advise the Minister on any matters arising in relation to the administration of this Act;
- (f) prescribing forms and providing for their use.

Idem	(2) A regulation made under subsection 1 or any provision thereof may be confined in its application to any class of employer or employee defined in the regulation.
Moneys	34. The moneys necessary for the purposes of this Act shall, until the end of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.
Commence- ment	35. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
Short title	36. This Act may be cited as <i>The Women's Equal Employment Opportunity Act, 1970</i> .

**An Act to prevent Discrimination
in Employment because of Sex or
Marital Status**

1st Reading

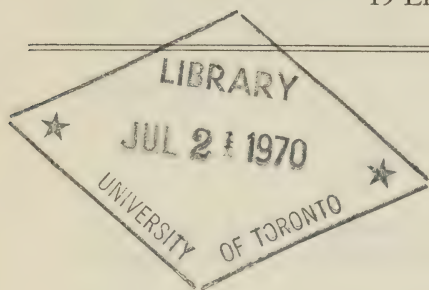
May 14th, 1970

2nd Reading

3rd Reading

MR. BALES

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970



**An Act to prevent Discrimination in Employment
because of Sex or Marital Status**

MR. BALES

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 83

1970

An Act to prevent Discrimination in Employment because of Sex or Marital Status

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "board" means a board of inquiry appointed under this Act;
- (b) "Director" means the Director of the Ontario Women's Bureau;
- (c) "employers' organization" means an organization of employers formed for purposes that include the regulation of relations between employers and employees;
- (d) "Minister" means the Minister of Labour or such other member of the Executive Council as this Act is assigned to by the Lieutenant Governor in Council;
- (e) "person", in addition to the extended meaning given it by *The Interpretation Act*, includes an employment agency, an employers' organization and a trade union; R.S.O. 1960,
c. 191
- (f) "regulations" means the regulations made under this Act;
- (g) "trade union" means an organization of employees formed for purposes that include the regulation of relations between employees and employers.

2. Except as specifically exempted by this Act or the regulations, this Act applies in respect of the employment of all persons, whether male or female. Application
of Act

3.—(1) Sections 4, 5, 6, 7, 8, 9 and 10 bind the Crown.

Application
of sections
4 to 10

Idem (2) Sections 4, 5, 6, 7, 8, 9 and 10 apply notwithstanding any agreement or waiver to the contrary.

Application of sections 4, 6, 7, 8 (3) Sections 4, 6, 7 and 8 do not apply in respect of an employer who employs fewer than six employees.

Discrimination in employment **4.** No person shall,

- (a) refuse to refer or to recruit any person for employment;
- (b) dismiss or refuse to employ or to continue to employ any person;
- (c) refuse to train, promote or transfer an employee; or
- (d) subject an employee to probation or apprenticeship or enlarge a period of probation or apprenticeship,

because of sex or marital status unless the work or the position cannot reasonably be performed by that person or employee because of sex or marital status.

Discrimination by employment agencies **5.** No employment agency shall discriminate against any person because of sex or marital status in receiving, classifying, disposing or otherwise acting upon applications for its service or in referring an applicant or applicants to an employer or anyone acting on his behalf.

Discrimination in employment classifications **6.** No person shall establish or maintain any employment classification or category that, by its description or operation, excludes any person from employment or continued employment on the grounds of sex or marital status unless the work or the position cannot be reasonably performed by persons of that sex or marital status.

Discrimination in advancement **7.** No person shall maintain separate lines of progression for advancement in employment or separate seniority lists that are based on sex or marital status where the maintenance will adversely affect any employee unless sex or marital status is a reasonable occupational qualification for the work.

Discriminatory advertising **8.** No person shall publish or display or cause to be published or displayed or permit to be published or displayed any notice, sign, advertisement or publication that expressly limits a position to applicants of a particular sex or marital status.

Pregnancy leave **9.—(1)** An employer shall not terminate the employment of an employee because of her pregnancy, but the employer, before or after the commencement of the period referred to in sub-

section 2, may require the employee to commence a leave of absence at such time as the duties of her position cannot reasonably be performed by a pregnant woman or the performance of the employee's work is materially affected by the pregnancy.

(2) Every employer shall, upon the request of an employee ^{Idem} and receipt of a certificate by a legally qualified medical practitioner stating that the employee named therein is pregnant and specifying the date upon which delivery will occur in his opinion, grant or cause to be granted to the employee a leave of absence at any time during a period of six weeks immediately preceding the specified date and until the date of actual delivery.

(3) The employee shall not work and the employer shall not ^{Post-natal leave} cause or permit her to work for at least six weeks after the date of delivery or for such shorter period as, in the written opinion of a legally qualified medical practitioner, is sufficient.

(4) Where the employee reports for work upon the expiration of the period referred to in subsection 3, the employer ^{Preservation of seniority, etc.} shall permit her to resume work with no loss of seniority or benefits accrued to the commencement of the maternity leave.

(5) For the purposes of subsection 1, an employee shall ^{Production of certificate} produce, when so requested by the employer, the certificate referred to in subsection 2.

(6) This section does not apply in respect of an employer ^{Application of section: employers} unless he employs twenty-five or more employees.

(7) This section does not apply in respect of an employer ^{employees} unless the employee has worked continuously for her employer for at least one year prior to the commencement of the period of six weeks referred to in subsection 2.

10. No person shall,

Reprisals

- (a) refuse to employ or to continue to employ any person;
- (b) threaten to dismiss or threaten to penalize in any other way any person in regard to such person's employment or any term or condition thereof;
- (c) discriminate against any person in regard to such person's employment or any term or condition thereof; or

- (d) intimidate or coerce or impose any pecuniary or other penalty upon any person,

on the ground that such person,

- (e) has made or may make a complaint under this Act;
- (f) has made or may make a disclosure concerning the matter complained of;
- (g) has testified or may testify in a proceeding under this Act; or
- (h) has participated or may participate in any other way in a proceeding under this Act.

Ontario
Women's
Bureau
established


11.—(1) There shall be a branch of the Department of Labour, to be known as the Ontario Women's Bureau, which shall consist of a Director and such other officers and employees as are considered necessary

Functions

(2) The Bureau shall, subject to the direction and control of the Minister,

- (a) conduct research and educational programs for the purpose of improving the status and qualifications of women employees;
- (b) promote the expansion of training and employment opportunities for women;
- (c) inform and advise women in respect of training and employment;
- (d) receive and investigate complaints of conduct in contravention of legislation providing for equal employment opportunity for women;
- (e) enforce legislation providing for equal employment opportunity for women;
- (f) perform any other duties given to it by any Act.

Director
responsible
to Minister

 (3) The Director is responsible to the Minister for the administration of the Bureau.

Complaint

12.—(1) Any person who has reasonable grounds for believing that any person has contravened a provision of sections 4 to 9 may file with the Director a complaint in the form prescribed by the regulations.

(2) Where a complaint is made in respect of an alleged contravention of section 4 or 9 by a person other than the person whom it is alleged was dealt with contrary to section 4 or 9, the Director may refuse to file the complaint unless the person alleged to be offended against consents thereto.

13.—(1) Where a complaint is filed, the Director or a person designated by the Director shall inquire into the complaint and endeavour to effect a settlement of the matter complained of.

(2) A settlement incorporating agreement in respect of any matter that a board would be authorized to include in an order under section 22 may be entered into,

- (a) in respect of a complaint involving a contravention of section 4 or 9 between the Director, the person who it is alleged has contravened section 4 or 9 and the person who it is alleged was dealt with contrary to section 4 or 9;
- (b) in respect of a complaint involving a contravention of section 5, 6, 7 or 8 between the Director and the person who it is alleged has contravened such section,

and shall be in writing signed by the parties entering into it.

(3) A settlement is binding on the parties entering into it and may be enforced in a court of competent jurisdiction.

(4) A settlement may be entered into while the matter is the subject of a proceeding before a board, but such a settlement is not binding until it is approved by the board and the board may incorporate the settlement into its order, and the consideration by the board of a settlement does not affect the competence of the board to continue its proceedings where it fails to approve the settlement.

(5) Where, in the opinion of the Director, a party to a settlement does not comply with its terms, the Director may file a complaint of the contravention and the matter may be disposed of in the same manner as other complaints.

(6) Where, after a settlement is entered into, an order of a board is made in respect of the same matter under subsection 4 or as a result of a complaint filed under subsection 5, the settlement is superseded by the order and no longer binding.

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appointed, and the Minister may, in his discretion, appoint a board or inquiry, consisting of one or more persons, to hear and decide the complaint.

Notice of
appointment

(2) Forthwith after the appointment of a board of inquiry, the Minister shall communicate the names of the members of the board to,

(a) the Director; and

(b) any person, other than the Director, who is required by subsection 1 of section 15 to be a party to the proceedings,

and thereupon it shall be presumed conclusively that the board was appointed in accordance with this Act.

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(3) A member of a board has power to administer oaths and affirmations for the purpose of any of its proceedings.

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(4) The Lieutenant Governor in Council may determine the rate of remuneration of the chairmen and members of the boards of inquiry appointed under this section.

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(a) the Director, who shall have the carriage of the complaint;

(b) the person named in the complaint as the complainant;

(c) any person named in the complaint and alleged to have contravened this Act;

(d) any person, other than the person mentioned in clause *b*, named in the complaint and alleged to have been dealt with contrary to section 4 or 9 of this Act; and

(e) any other person specified by the board upon such notice as the board may determine and after being given an opportunity to be heard against his joinder as a party.

Notice of
hearing

(2) The board shall fix a date for the hearing and shall serve notice of the hearing on the parties at least ten days before the day fixed.

(3) The notice of hearing shall contain,

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- (a) a statement of the time and place of the hearing;
- (b) a statement of the statutory power under which the hearing is being held;
- (c) a statement as to where and how further information about the proceedings may be obtained;
- (d) a concise statement of the issues; and
- (e) a statement that, if a party who has been duly notified does not attend at the hearing, the board may proceed in his absence and he is not entitled to notice of any further proceedings.

(4) A true copy of the complaint shall be annexed to the notice of the hearing that is served upon any party except the Director.

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Adjourn-
ments

- (a) on its own motion; or
- (b) on the motion of any party to the hearing.

(2) The board may, in the form prescribed by the regulations, command the attendance before it of any person as a witness.

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(3) The board may require any person,

Evidence

- (a) to give evidence on oath at a hearing; and
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(4) A witness at a hearing shall be deemed to have objected to answer any question asked him upon the ground that his answer may tend to criminate him or may tend to establish his liability to civil proceedings at the instance of the Crown, or of any person, and no answer given by a witness at a hearing shall be used or be receivable in evidence against him in any trial or other proceedings against him thereafter taking place, other than a prosecution for perjury in giving such evidence.

Protection
for
witnesses

Unsworn
evidence

(5) The board may admit evidence not given under oath.

Contempt
proceedings

(6) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the board, makes default in attending; or

(b) being in attendance as a witness before the board refuses to take an oath legally required by the board to be taken, or to produce any document or thing in his power or control legally required by the board to be produced by him, or to answer any question to which the board may legally require an answer; or

(c) does any other thing that would, if the board had been a court of law having power to commit for contempt, have been contempt of that court,

is guilty of an offence punishable under subsection 7.

Offence

(7) The board may certify an offence under subsection 6 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of court.

Rights of
parties
to counsel,
to examine
witnesses,
etc., at
hearings

17. A party to the proceedings may at a hearing,

(a) be represented by counsel or an agent;

(b) call and examine witnesses and present his arguments and submissions;

(c) conduct cross-examinations of witnesses at a hearing reasonably required for a full and fair disclosure of the facts in relation to which they have given evidence.

Rights of
witnesses
to counsel

18.—(1) A witness at a hearing is entitled to be advised by his counsel or agent as to his rights, but such counsel or agent may take no other part in the hearing without leave of the board.

Idem

(2) Where a hearing is *in camera*, a counsel or agent for a witness is not entitled to be present except when that witness is giving evidence.

19. All hearings shall be open to the public except where the board finds that intimate financial or personal matters or other matters may be disclosed at the hearing of such a nature, having regard to the circumstances, that the desirability of avoiding disclosure thereof in the interests of any person affected or in the public interest outweighs the desirability of adhering to the principle that hearings be open to the public in which case the board may hold the hearing concerning any such matters *in camera*. ^{Hearings open to public}

20. Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the board within a reasonable time after the matter in issue has been finally determined. ^{Release of documents}

21. All oral evidence received by the board shall be taken down in writing and together with, ^{Record}

- (a) the notice of hearing;
 - (b) the complaint;
 - (c) any rulings or orders made in the course of the proceedings of the board;
 - (d) any written submissions received by the board; and
 - (e) the decision and the reasons therefor,
- form the record.

22.—(1) The board after hearing a complaint, ^{Order of board}

- (a) shall decide whether or not any party has contravened this Act; and
 - (b) may make an order under subsection 2.
- (2) Where the board decides that any party has contravened ^{Idem} any provision of sections 4 to 9, the board may order,
- (a) such party to do any act or thing that, in the opinion of the board, constitutes full compliance with such provision; and
 - (b) where a person has been dealt with contrary to a provision of section 4 or 9, the board may order such party to rectify any injury caused such person or to make compensation therefor.

Majority decision	(3) Where a board of inquiry is composed of more than one person, the decision of the majority is the decision of the board.
Decision	23. —(1) The board shall give its final decision in writing and shall give reasons in writing therefor if requested by a party.
Reasons	(2) The reasons for the decision shall contain, <ul style="list-style-type: none"> (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision; (b) any agreed findings of facts; and (c) the conclusions of law based on the findings mentioned in clauses <i>a</i> and <i>b</i>.
Service	(3) The board shall cause to be served on the parties a copy of its order, including the reasons therefor, if any, and a notice stating the rights of appeal.
Appeal	24. —(1) Any party to the hearing before a board may appeal from the order of the board to the Court of Appeal and the practice and procedure as to the appeal and proceedings incidental thereto are the same <i>mutatis mutandis</i> as upon an appeal from the High Court.
Record	(2) The record in the Court of Appeal shall include all of the documents and things specified in section 21.
Counsel	(3) The Minister may designate counsel to assist the court upon the hearing of an appeal under this section.
Jurisdiction of Court of Appeal	(4) An appeal under this section may be made on questions of law or fact or both and the court may confirm or alter the decision of the board or direct the board to make any decision or order that the board is authorized to make under this Act and as the court considers proper, and the court may substitute its opinion for that of the board and may exercise the same powers as it exercises on an appeal from a judge of the High Court sitting without a jury.
Appeal final	(5) The decision of the Court of Appeal is final.
Enforcement of decisions	25. A copy of the final order of the board, exclusive of the reasons therefor, certified under section 32, may be filed in the office of the Registrar of the Supreme Court whereupon it shall be entered in the same way as a judgment or order of that court and is enforceable as such.

26. The Director may require any employer to post such notices respecting the administration and content of this Act as the Director may direct, and the employer shall post and keep posted such notices in a conspicuous place frequented by his employees. Posting notices

27.—(1) Every employer shall,

Production
of records

- (a) in respect of an employee, produce the records required by this Act or the regulations or by section 31 of *The Employment Standards Act, 1968* for inspection by the Director or any person authorized by the Minister, and shall for this purpose provide access to his premises for the Director or such person at all reasonable times and at any time his employees are engaged in their work; and 1968, c. 35
- (b) furnish such information from the records at such time and place as the Director may require.

(2) The Director or any person designated to inquire into a complaint under subsection 1 of section 13 has the same powers to inspect and examine books, payrolls and other records in respect of an employee and to take extracts or copies thereof, and to enter premises and to question employees as are possessed by the Director of Employment Standards under section 33 of *The Employment Standards Act, 1968*. Inspection

28.—(1) Where the Director is authorized under this Act or the regulations to require a person to furnish information, the Director may require the information to be furnished by a notice to that effect served personally or sent by registered mail addressed to the last known place of abode of the person for whom the notice is intended, and such person shall furnish the information within such reasonable times as is specified in the notice. Notice to furnish information

(2) A certificate of the Director certifying that the notice was sent by registered mail to the person to whom it was addressed, accompanied by and identifying the post office certificate of the registration and a true copy of the notice is admissible in evidence as *prima facie* proof of the mailing and receipt of the notice. Proof of service

(3) Where the Director is authorized to require a person to furnish information under this Act, a certificate of the Director certifying that the information has not been furnished is admissible in evidence as *prima facie* proof that in such case the person did not furnish the information. Proof of failure to comply

Proof of
documents

(4) A certificate of the Director certifying that a document annexed thereto is a document or true copy of a document made by or on behalf of the Director is admissible in evidence as *prima facie* proof of the nature and contents of the document and shall be received in evidence in the place and stead of the original and has the same force and effect as the original document would have had if produced and proved.

Proof of
authority

(5) A certificate under this section signed or purporting to be signed by the Director is admissible in evidence as *prima facie* proof of the facts stated therein and of the authority of the person giving or making the certificate without any proof of appointment or signature.

Service

29. Subject to the Rules of the Supreme Court respecting an appeal to the Court of Appeal, the service of any notice or document required for any of the purposes of this Act shall be effected by prepaid post or by personal service in the manner prescribed for the service of summonses by section 6 of

R.S.O. 1960,
c. 387

The Summary Convictions Act, which applies *mutatis mutandis*.

Penalty

30.—(1) Every person who,

(a) contravenes any provision of this Act or the regulations; or

(b) fails to comply with any order of a board under this Act,

is guilty of an offence and on summary conviction is liable,

(c) if an individual, to a fine of not more than \$800; or

(d) if a corporation, trade union, employers' organization or employment agency, to a fine of not more than \$3,000.

Consent of
Minister

(2) No prosecution for an offence under subsection 1 shall be instituted except with the consent in writing of the Minister.

Prosecution
of trade
union, etc.

(3) A prosecution for an offence under subsection 1 may be instituted against a trade union or employers' organization in the name of the union or organization, and any act or thing done or omitted by an officer, official or agent of a trade union or employers' organization within the scope of his authority to act on behalf of the trade union or employers' organization shall be deemed to be an act or thing done or omitted by the trade union or employers' organization.

(4) In any prosecution for a contravention of any provision of this Act or the regulations, it shall be a sufficient defence if the defendant shows that the contravention occurred in the course of compliance with any provision for the protection or welfare of women and young girls contained in *The Industrial Safety Act, 1964* or *The Employment Standards Act, 1968*. ^{Defence} ^{1964, c. 45} ^{1968, c. 35}

31.—(1) Where a person has been convicted of an offence under section 30, the Minister may apply by way of originating notice to a judge of the Supreme Court for an order prohibiting such person from continuing the conduct constituting the offence. ^{Restraining order}

(2) The judge in his discretion may make such order and the order may be entered and enforced in the same manner as any other order or judgment of the Supreme Court. ^{Enforcement}

32. A certificate purporting to be signed by a member of a board certifying that a document annexed thereto is a true copy of an order of the board is admissible in evidence in any proceeding as *prima facie* proof of the contents of the order without proof of the signature or the official position of the person appearing to have signed the certificate. ^{Certified copies of orders}

33.—(1) The Lieutenant Governor in Council may make regulations, ^{Regulations}

- (a) exempting any class of employers or employees from the application of this Act or the regulations or any provision thereof;
- (b) prescribing the records that shall be kept and the returns that shall be made by employers;
- (c) governing the production and inspection of records required to be kept by employers;
- (d) requiring employers to notify employees of the provisions of this Act and the regulations, by the publication of such notices in such manner as may be prescribed;
- (e) providing for the establishment of a consultative or advisory committee to advise the Minister on any matters arising in relation to the administration of this Act;
- (f) prescribing forms and providing for their use.

- Idem** (2) A regulation made under subsection 1 or any provision thereof may be confined in its application to any class of employer or employee defined in the regulation.
- Moneys** **34.** The moneys necessary for the purposes of this Act shall, until the end of March, 1971, be paid out of the Consolidated Revenue Fund and thereafter shall be paid out of the moneys appropriated therefor by the Legislature.
- Commence-
ment** **35.** This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.
- Short title** **36.** This Act may be cited as *The Women's Equal Employment Opportunity Act, 1970*.

An Act to prevent Discrimination
in Employment because of Sex or
Marital Status

1st Reading

May 14th, 1970

2nd Reading

June 9th, 1970

3rd Reading

June 25th, 1970

MR. BATES

BILL 84

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Telephone Act

MR. STEWART



EXPLANATORY NOTE

The new section will permit the issue of municipal debentures for the purpose of the provision by a telephone company of communication services other than telephone service alone.

BILL 84

1970

An Act to amend The Telephone Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Telephone Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 394,
amended

117.—(1) In this section, “communication service” means Interpre-
tation
any form of communication by electrical currents or impulses conducted by wires, cables or radio, other than telephone service.

(2) Where a communication service may be conveniently provided in conjunction with telephone service and all provisions of any Act of the Legislature or the Parliament of Canada respecting such communication service have been complied with, Municipality
may provide
communica-
tion service

(a) the council of a municipality that is carrying on a telephone system as a public utility; or

(b) the council of an initiating municipality or the commissioners of a municipal telephone system, as the case may be,

may, with the approval of the Commission, provide the communication service as part of the telephone system.

(3) Where approval of the Commission has been given under subsection 2, By-law
authorizing
work and
issue of
debentures

(a) the council of a municipality that is carrying on a telephone system as a public utility may, with the prior approval of the Board, pass a by-law authorizing the work and the issuing of debentures for that purpose but such a

R.S.O. 1960.
c. 249

by-law is not valid until it has received the assent of the electors qualified to vote on money by-laws under *The Municipal Act*; or

- (b) the council of an initiating municipality may, with the prior approval of a majority of the subscribers present in person or represented by proxy at a general meeting of the subscribers called for the purpose and with the prior approval of the Board, pass a by-law authorizing the work and the issuing of debentures for that purpose and it is not necessary that the by-law be submitted for the assent of the electors.

How cost
paid

- (4) The Board shall determine the period within which the debentures to be issued shall be made payable and, in the case of a by-law made under clause *b* of subsection 3, the landowners who shall defray the cost of such works and the lands upon and in respect of which the special rate shall be levied to discharge the debenture debt so incurred, with interest.

Provisions
of Act
to apply

- (5) The provisions of this Act as to debentures apply to debentures issued under this section.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Telephone Amendment Act, 1970*.

*An Act to amend
The Telephone Act*

1st Reading

May 15th, 1970

2nd Reading

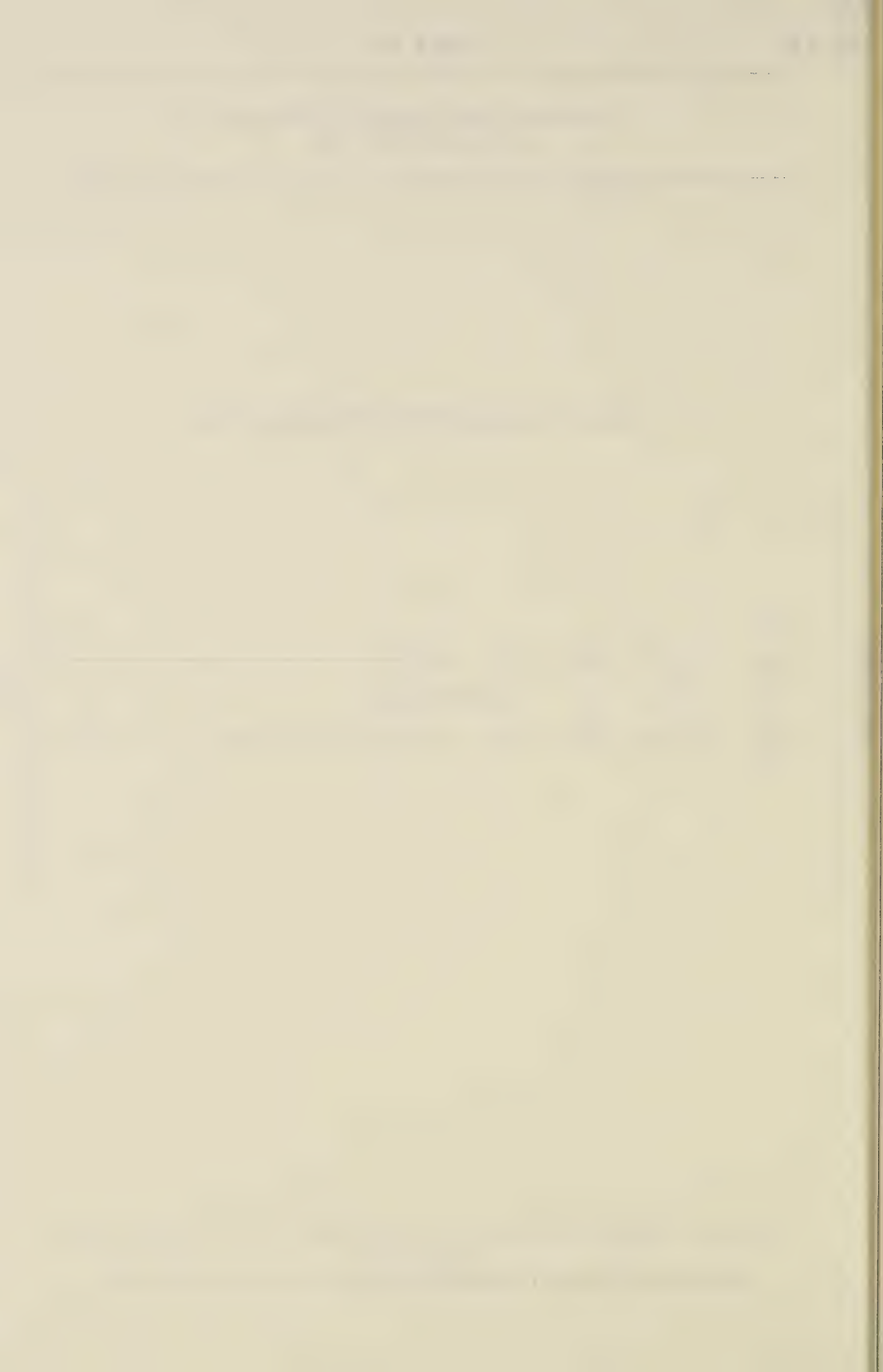
3rd Reading

MR. STEWART

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Telephone Act

MR. STEWART



An Act to amend The Telephone Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Telephone Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 394,
amended

117.—(1) In this section, “communication service” means Interpre-
tation
any form of communication by electrical currents or impulses conducted by wires, cables or radio, other than telephone service.

(2) Where a communication service may be conveniently Municipality
may provide
communica-
tion service
provided in conjunction with telephone service and all provisions of any Act of the Legislature or the Parliament of Canada respecting such communication service have been complied with,

(a) the council of a municipality that is carrying on a telephone system as a public utility; or

(b) the council of an initiating municipality or the commissioners of a municipal telephone system, as the case may be,

may, with the approval of the Commission, provide the communication service as part of the telephone system.

(3) Where approval of the Commission has been given By-law
authorizing
work and
issue of
debentures
under subsection 2,

(a) the council of a municipality that is carrying on a telephone system as a public utility may, with the prior approval of the Board, pass a by-law authorizing the work and the issuing of debentures for that purpose but such a

R.S.O. 1960,
c. 249

by-law is not valid until it has received the assent of the electors qualified to vote on money by-laws under *The Municipal Act*; or

- (b) the council of an initiating municipality may, with the prior approval of a majority of the subscribers present in person or represented by proxy at a general meeting of the subscribers called for the purpose and with the prior approval of the Board, pass a by-law authorizing the work and the issuing of debentures for that purpose and it is not necessary that the by-law be submitted for the assent of the electors.

How cost
paid

- (4) The Board shall determine the period within which the debentures to be issued shall be made payable and, in the case of a by-law made under clause *b* of subsection 3, the landowners who shall defray the cost of such works and the lands upon and in respect of which the special rate shall be levied to discharge the debenture debt so incurred, with interest.

Provisions
of Act
to apply

- (5) The provisions of this Act as to debentures apply to debentures issued under this section.

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. This Act may be cited as *The Telephone Amendment Act, 1970*.

An Act to amend
The Telephone Act

1st Reading

May 15th, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 26th, 1970

MR. STEWART

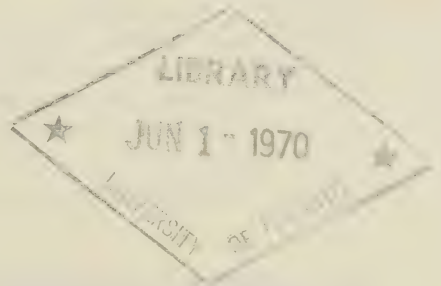


BILL 85

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Land Titles Act

Mr. WISHART



EXPLANATORY NOTES

SECTION 1. The amendment is complementary to section 13 of the Bill by which the distinction between rules and regulations is removed.

SECTION 2. The amendment introduces the land titles system to the City of Belleville and Town of Trenton and to the County of Peel.

SECTION 3. The amendment permits land titles divisions to be named in the same manner as registry divisions may now be named.

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k*, as re-enacted by section 1 of *The Land Titles Amendment Act, 1961-62*, and clause *l* of section 1 of *The Land Titles Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 1,
cl. *k*
(1961-62, c.
70, s. 1),
re-enacted;
cl. *l*,
repealed

(*k*) "regulations" or "rules" means the regulations made under this Act.

2.—(1) Clause *n* of subsection 1 of section 2 of *The Land Titles Act*, as enacted by section 2 of *The Land Titles Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 2,
subs. 1, cl. *n*
(1968-69,
c. 57, s. 2),
re-enacted

(*n*) the County of Hastings, including every local municipality in the county.

(2) Subsection 1 of the said section 2, as re-enacted by section 2 of *The Land Titles Amendment Act, 1961-62* and amended by section 2 of *The Land Titles Amendment Act, 1966* and section 2 of *The Land Titles Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 204, s. 2
(1961-62,
c. 70, s. 2),
subs. 1,
amended

(*q*) the County of Peel, including every local municipality in the county.

3. Section 3*a* of *The Land Titles Act*, as enacted by section 1 of *The Land Titles Amendment Act, 1967*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 204, s. 3*a*
(1967, c. 44,
s. 1),
amended

(3) The Lieutenant Governor in Council may by regulation designate the names by which land titles divisions shall be known.

Names of
land titles
divisions

R.S.O. 1960,
c. 204, s. 7,
subs. 2
(1961-62,
c. 70, s. 4),
amended

4.—(1) Subsection 2 of section 7 of *The Land Titles Act*, as re-enacted by section 4 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out “administered by the director of titles” in the ninth line, so that the subsection shall read as follows:

Deputy
director
of titles

(2) The Lieutenant Governor in Council may appoint a barrister or solicitor of not less than five years standing to be the deputy director of titles, and, in the absence of the director of titles or if the office of director of titles is vacant or if directed by the director of titles, the deputy director of titles has and may exercise and perform the powers and duties of the director of titles under this or any other Act.

R.S.O. 1960,
c. 204, s. 7,
subs. 3
(1961-62,
c. 70, s. 4),
amended

(2) Subsection 3 of the said section 7, as re-enacted by section 4 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out “administered by the director of titles” in the fifth line, so that the subsection shall read as follows:

Assistant
deputy
directors of
titles

(3) The Lieutenant Governor in Council may appoint one or more assistant deputy directors of titles who shall exercise such powers and perform such duties of the director of titles under this or any other Act as the director of titles directs.

R.S.O. 1960,
c. 204, s. 19,
re-enacted

5. Section 19 of *The Land Titles Act* is repealed and the following substituted therefor:

Holiday
defined

19.—(1) In this section, “holiday” means,

R.S.O. 1960,
c. 191

- (a) a holiday as defined in *The Interpretation Act*;
- (b) Saturday;
- (c) the day proclaimed as Civic Holiday in the municipality in which the land titles office is located;
- (d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every land titles office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

SECTION 4. Reference to the administration of Acts by the director of titles is deleted as unnecessary wordage and not strictly accurate.

SECTION 5. Civic Holiday and Boxing Day are added to the days when land titles offices may be closed.

SECTION 6. The provision deleted authorizes the master of titles to examine instruments in a registry office in connection with the transfer of land to the land titles system. The provision is unnecessary since both offices are now under the direct administration of the Department of Justice.

SECTION 7. The section repealed requires the fiat of a High Court judge where the compensation awarded exceeds \$5,000.

SECTION 8. Section 74a of *The Land Titles Act* requires an application to transfer title even though the title is transferred or vested under an Act, with the exception of the vesting upon the filing of plans under *The Highway Improvement Act*. The amendment adds as a further exception plans filed under *The Expropriations Act, 1968-69*.

SECTION 9. The provision deleted authorizes the director of titles to issue an order prohibiting dealing in land in any designated area except under certain conditions.

SECTION 10. Self-explanatory.

SECTION 11. The procedure for amending a registered plan by application to a county court judge or the director of titles is deleted.

SECTION 12. The provision repealed requires a plan altered by a judge or the director of titles to be re-registered. The provision is not necessary as section 92 of *The Registry Act*, made applicable by section 154c of *The Land Titles Act*, requires such a plan to be approved by the Minister of Municipal Affairs.

SECTION 13. The distinction between rules and regulations is eliminated and the regulation-making body is reduced to one, the Lieutenant Governor in Council.

6. Section 50 of *The Land Titles Act*, as amended by section 10 of *The Land Titles Amendment Act, 1968-69*, is repealed. R.S.O. 1960, c. 204, s. 50, repealed

7. Subsection 5d of section 63 of *The Land Titles Act*, as enacted by section 17 of *The Land Titles Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 204, s. 63, subs. 5d (1966, c. 77, s. 17), repealed

8. Subsection 2 of section 74a of *The Land Titles Act*, as enacted by section 21 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 74a (1961-62, c. 70, s. 21), subs. 2, re-enacted

(2) Subsection 1 does not apply to, Exception

(a) an expropriation plan registered in accordance with *The Expropriations Act, 1968-69*; or 1968-69, c. 36

(b) to a plan registered in accordance with *The Highway Improvement Act* in the Department of Highways register mentioned in subsection 2 of section 77 of this Act. R.S.O. 1960, c. 171

9. Section 154a of *The Land Titles Act*, as enacted by section 39 of *The Land Titles Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 204, s. 154a (1961-62, c. 70, s. 39), repealed

10. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

155a. A master of titles may prepare an Index Plan to illustrate and redesignate separately described parcels of land and the Index Plan may be registered with the approval of the director of titles and the parcels shall thereafter be described in accordance with the Index Plan. Index Plan

11. Subsection 1a, as enacted by section 43 of *The Land Titles Amendment Act, 1961-62* and amended by subsection 1 of section 22 of *The Land Titles Amendment Act, 1966*, subsection 2 and subsection 3, as re-enacted by section 15 of *The Land Titles Amendment Act, 1968-69*, of section 162 of *The Land Titles Act* are repealed. R.S.O. 1960, c. 204, s. 162, subs. 1a (1961-62, c. 70, s. 43), subs. 2, subs. 3 (1968-69, c. 57, s. 15), repealed

12. Section 162a of *The Land Titles Act*, as enacted by section 23 of *The Land Titles Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 204, s. 162a (1966, c. 77, s. 23), repealed

13. Subsection 1 of section 172 of *The Land Titles Act*, as amended by section 24 of *The Land Titles Amendment Act, 1966*, is further amended by striking out "or, subject to the approval of the Lieutenant Governor in Council, the Rules R.S.O. 1960, c. 204, s. 172, subs. 1, amended

Committee under the authority of section 111 of *The Judicature Act*, which is to be read as applying to this Act, may make rules in respect of" in the first, second, third, fourth and fifth lines and inserting in lieu thereof "may make regulations", so that the subsection, exclusive of the clauses, shall read as follows:

Regulations (1) The Lieutenant Governor in Council may make regulations,

R.S.O. 1960, c. 204, s. 177, repealed **14.** Section 177 of *The Land Titles Act*, as amended by section 18 of *The Land Titles Amendment Act, 1968-69*, is repealed.

Commencement **15.**—(1) This Act, except subsection 2 of section 2, comes into force on the day it receives Royal Assent.

Idem (2) Subsection 2 of section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **16.** This Act may be cited as *The Land Titles Amendment Act, 1970*.

SECTION 14. The provision repealed requires the master of titles, upon the request of the municipal council, to provide the municipality with information concerning land transactions registered during a specified period.

BILL 85

An Act to amend
The Land Titles Act

1st Reading

May 20th, 1970

2nd Reading

3rd Reading

MR. WISHART

KB
-B 56

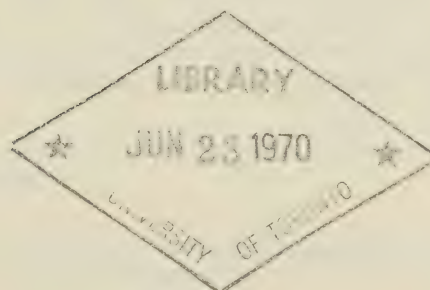
Government
Publications

BILL 85

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Land Titles Act

MR. WISHART



BILL 85

1970

An Act to amend The Land Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *k*, as re-enacted by section 1 of *The Land Titles Amendment Act, 1961-62*, and clause *l* of section 1 of *The Land Titles Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 1,
cl. *k*
(1961-62, c.
70, s. 1),
re-enacted;
cl. *l*,
repealed

(*k*) "regulations" or "rules" means the regulations made under this Act.

2.—(1) Clause *n* of subsection 1 of section 2 of *The Land Titles Act*, as enacted by section 2 of *The Land Titles Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 204, s. 2,
subs. 1, cl. *n*
(1968-69,
c. 57, s. 2),
re-enacted

(*n*) the County of Hastings, including every local municipality in the county.

(2) Subsection 1 of the said section 2, as re-enacted by section 2 of *The Land Titles Amendment Act, 1961-62* and amended by section 2 of *The Land Titles Amendment Act, 1966* and section 2 of *The Land Titles Amendment Act, 1968-69*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 204, s. 2,
(1961-62,
c. 70, s. 2),
subs. 1,
amended

(*q*) the County of Peel, including every local municipality in the county.

3. Section 3*a* of *The Land Titles Act*, as enacted by section 1 of *The Land Titles Amendment Act, 1967*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 204, s. 3*a*
(1967, c. 44,
s. 1),
amended

(3) The Lieutenant Governor in Council may by regulation designate the names by which land titles divisions shall be known.

Names of
land titles
divisions

R.S.O. 1960,
c. 204, s. 7,
subs. 2
(1961-62,
c. 70, s. 4),
amended

4.—(1) Subsection 2 of section 7 of *The Land Titles Act*, as re-enacted by section 4 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out “administered by the director of titles” in the ninth line, so that the subsection shall read as follows:

Deputy
director
of titles

(2) The Lieutenant Governor in Council may appoint a barrister or solicitor of not less than five years standing to be the deputy director of titles, and, in the absence of the director of titles or if the office of director of titles is vacant or if directed by the director of titles, the deputy director of titles has and may exercise and perform the powers and duties of the director of titles under this or any other Act.

R.S.O. 1960,
c. 204, s. 7,
subs. 3
(1961-62,
c. 70, s. 4),
amended

(2) Subsection 3 of the said section 7, as re-enacted by section 4 of *The Land Titles Amendment Act, 1961-62*, is amended by striking out “administered by the director of titles” in the fifth line, so that the subsection shall read as follows:

Assistant
deputy
directors of
titles

(3) The Lieutenant Governor in Council may appoint one or more assistant deputy directors of titles who shall exercise such powers and perform such duties of the director of titles under this or any other Act as the director of titles directs.

R.S.O. 1960,
c. 204, s. 19,
re-enacted

5. Section 19 of *The Land Titles Act* is repealed and the following substituted therefor:

Holiday
defined

19.—(1) In this section, “holiday” means,

R.S.O. 1960,
c. 191

- (a) a holiday as defined in *The Interpretation Act*;
- (b) Saturday;
- (c) the day proclaimed as Civic Holiday in the municipality in which the land titles office is located;
- (d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every land titles office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon.

6. Section 50 of *The Land Titles Act*, as amended by section 10 of *The Land Titles Amendment Act, 1968-69*, is repealed. R.S.O. 1960, c. 204, s. 50, repealed

7. Subsection 5*d* of section 63 of *The Land Titles Act*, as enacted by section 17 of *The Land Titles Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 204, s. 63, subs. 5*d* (1966, c. 77, s. 17), repealed

8. Subsection 2 of section 74*a* of *The Land Titles Act*, as enacted by section 21 of *The Land Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor: R.S.O. 1960, c. 204, s. 74*a* (1961-62, c. 70, s. 21), subs. 2, re-enacted

(2) Subsection 1 does not apply to, Exception

(a) an expropriation plan registered in accordance with *The Expropriations Act, 1968-69*; or 1968-69, c. 36

(b) to a plan registered in accordance with *The Highway Improvement Act* in the Department of Highways register mentioned in subsection 2 of section 77 of this Act. R.S.O. 1960, c. 171

9. Section 154*a* of *The Land Titles Act*, as enacted by section 39 of *The Land Titles Amendment Act, 1961-62*, is repealed. R.S.O. 1960, c. 204, s. 154*a* (1961-62, c. 70, s. 39), repealed

10. *The Land Titles Act* is amended by adding thereto the following section: R.S.O. 1960, c. 204, amended

155*a*. A master of titles may prepare an Index Plan to illustrate and redesignate separately described parcels of land and the Index Plan may be registered with the approval of the director of titles and the parcels shall thereafter be described in accordance with the Index Plan. Index Plan

11. Subsection 1*a*, as enacted by section 43 of *The Land Titles Amendment Act, 1961-62* and amended by subsection 1 of section 22 of *The Land Titles Amendment Act, 1966*, subsection 2 and subsection 3, as re-enacted by section 15 of *The Land Titles Amendment Act, 1968-69*, of section 162 of *The Land Titles Act* are repealed. R.S.O. 1960, c. 204, s. 162, subs. 1*a* (1961-62, c. 70, s. 43), subs. 2, subs. 3 (1968-69, c. 57, s. 15), repealed

12. Section 162*a* of *The Land Titles Act*, as enacted by section 23 of *The Land Titles Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 204, s. 162*a* (1966, c. 77, s. 23), repealed

13. Subsection 1 of section 172 of *The Land Titles Act*, as amended by section 24 of *The Land Titles Amendment Act, 1966*, is further amended by striking out "or, subject to the approval of the Lieutenant Governor in Council, the Rules R.S.O. 1960, c. 204, s. 172, subs. 1, amended

Committee under the authority of section 111 of *The Judicature Act*, which is to be read as applying to this Act, may make rules in respect of" in the first, second, third, fourth and fifth lines and inserting in lieu thereof "may make regulations", so that the subsection, exclusive of the clauses, shall read as follows:

Regulations (1) The Lieutenant Governor in Council may make regulations,

.

R.S.O. 1960, c. 204, s. 177, repealed **14.** Section 177 of *The Land Titles Act*, as amended by section 18 of *The Land Titles Amendment Act, 1968-69*, is repealed.

Commencement **15.**—(1) This Act, except subsection 2 of section 2, comes into force on the day it receives Royal Assent.

Idem (2) Subsection 2 of section 2 comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Short title **16.** This Act may be cited as *The Land Titles Amendment Act, 1970*.

An Act to amend
The Land Titles Act

1st Reading

May 20th, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

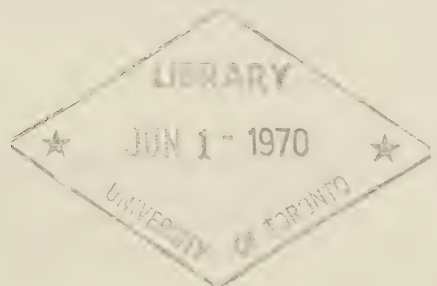
MR. WISHART

BILL 86

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Boundaries Act

MR. WISHART



EXPLANATORY NOTES

SECTION 1. In the 1968-69 session, the Inspector of Legal Offices' function respecting land registration was separated under a new post, the Director of Land Registration. The amendment continues the process.

SECTION 2. The provision replaced provides that the Act shall be administered by the Director of Titles.

SECTION 3. The amendment is complementary to section 1 of the Bill and also deletes the master of titles for the persons who may apply under the Act.

SECTION 4. Complementary to section 1 of the Bill.

BILL 86

1970

An Act to amend The Boundaries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Boundaries Act*, as amended by section 1 of *The Boundaries Amendment Act, 1961-62* and section 1 of *The Boundaries Amendment Act, 1965*, is further amended by adding thereto the following clause:

(ca) "Director of Land Registration" means the Director of Land Registration appointed under *The Registry Act*.

2. Section 2 of *The Boundaries Act*, as amended by section 2 of *The Boundaries Amendment Act, 1965*, is repealed and the following substituted therefor:

2. The Minister of Justice and Attorney General is responsible for the administration of this Act.

3. Clauses *g* and *h* of subsection 1 of section 5 of *The Boundaries Act*, as re-enacted by section 3 of *The Boundaries Amendment Act, 1961-62*, are repealed and the following substituted therefor:

(g) the Director of Land Registration.

4. Subsection 4 of section 17 of *The Boundaries Act*, as re-enacted by subsection 2 of section 5 of *The Boundaries Amendment Act, 1965*, is amended by striking out "Inspector of Legal Offices" in the eighth and ninth lines and inserting in lieu thereof "Director of Land Registration".

5. This Act comes into force on the day it receives Royal Assent.

6. This Act may be cited as *The Boundaries Amendment Act, 1970*.

An Act to amend
The Boundaries Act

1st Reading

May 20th, 1970

2nd Reading

3rd Reading

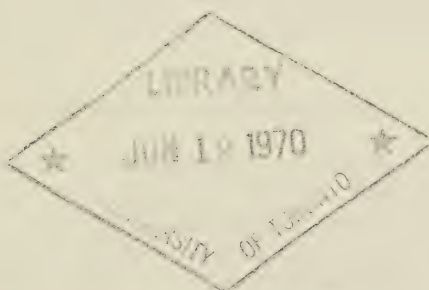
Mr. WISHART

BILL 86

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Boundaries Act

MR. WISHART



BILL 86

1970

An Act to amend The Boundaries Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Boundaries Act*, as amended by section 1 of *The Boundaries Amendment Act, 1961-62* and section 1 of *The Boundaries Amendment Act, 1965*, is further amended by adding thereto the following clause:

(ca) "Director of Land Registration" means the Director of Land Registration appointed under *The Registry Act*.

2. Section 2 of *The Boundaries Act*, as amended by section 2 of *The Boundaries Amendment Act, 1965*, is repealed and the following substituted therefor:

2. The Minister of Justice and Attorney General is responsible for the administration of this Act.

3. Clauses *g* and *h* of subsection 1 of section 5 of *The Boundaries Act*, as re-enacted by section 3 of *The Boundaries Amendment Act, 1961-62*, are repealed and the following substituted therefor:

(g) the Director of Land Registration.

4. Subsection 4 of section 17 of *The Boundaries Act*, as re-enacted by subsection 2 of section 5 of *The Boundaries Amendment Act, 1965*, is amended by striking out "Inspector of Legal Offices" in the eighth and ninth lines and inserting in lieu thereof "Director of Land Registration".

5. This Act comes into force on the day it receives Royal Assent.

6. This Act may be cited as *The Boundaries Amendment Act, 1970*.

An Act to amend
The Boundaries Act

1st Reading

May 20th, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

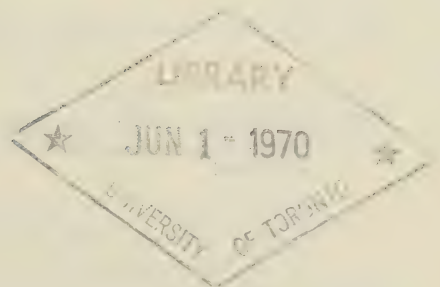
MR. WISHART

BILL 87

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Certification of Titles Act

MR. WISHART



EXPLANATORY NOTES

SECTION 1. In the 1968-69 session, the Inspector of Legal Offices' function respecting land registration was separated under a new post, the Director of Land Registration. The amendment continues the process.

The Minister of Justice and Attorney General is specifically named as responsible for the administration of the Act.

SECTION 2. The amendment corrects references to correspond to changes in numbering in the *The Registry Act* in 1966. The provision identifies municipal plans and judges' plans as exempt from the requirement that no plans be registered in a certification area unless certified under the Act.

SECTION 3. The provisions for recovery from the Assurance Fund are rewritten to adopt the same procedures as for The Land Titles Assurance Fund

BILL 87

1970

An Act to amend The Certification of Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Certification of Titles Act*, as amended by R.S.O. 1960, c. 48, s. 1, section 1 of *The Certification of Titles Amendment Act, 1965*, re-enacted is repealed and the following substituted therefor:

1. In this Act,

Interpreta-
tion

(a) "Director of Land Registration" means the Director of Land Registration appointed under *The Registry Act*;

R.S.O. 1960,
c. 348

(b) "Director of Titles" means the Director of Titles appointed under *The Land Titles Act*.

R.S.O. 1960,
c. 204

1a. The Minister of Justice and Attorney General is responsible for the administration of this Act.

Administra-
tion of Act

2. Clause *b* of subsection 3 of section 14 of *The Certification of Titles Act*, as enacted by subsection 2 of section 6 of *The Certification of Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 48, s. 14,
subs. 3
(1961-62,
c. 13, s. 6,
subs. 2),
cl. *b*,
re-enacted

(b) a plan of a survey under section 93a or 94a of *The Registry Act* or a predecessor thereof.

R.S.O. 1960,
c. 348

3.—(1) Section 16 of *The Certification of Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 48, s. 16,
re-enacted

16.—(1) Where, by virtue of section 13, a person is deprived of any interest in land, he is entitled to recover what is just by way of compensation out of The Certification of Titles Assurance Fund, so far as it is sufficient for that purpose having reference to other charges thereon, if the application is made

Claim
against
Fund

within six years from the time of having been so deprived, or in the case of a person under the disability of infancy, mental incompetency or unsoundness of mind, within six years from the date at which the disability ceased.

**Mining
lands**

- (2) Where a claim is made under subsection 1 in respect of land patented as mining land or in respect of land whose chief value is the ores, mines or minerals therein and it appears that the claimant is entitled to compensation, the entire value of the land shall not be taken at a greater sum than twice the amount that was paid for the original grant from the Crown.

**Application
for payment**

- (3) A person claiming to be entitled to payment of compensation out of The Certification of Titles Assurance Fund shall apply to the Director of Titles who shall make a recommendation to the Director of Land Registration as to the amount, if any, that should be paid.

**Determina-
tion of
payment**

- (4) The liability of The Certification of Titles Assurance Fund for compensation and the amount of compensation shall, subject to appeal to a judge of a county or district court and from him to the Court of Appeal, be determined by the Director of Land Registration, and the costs of the proceedings under this section shall be in the discretion of the Director of Land Registration, the judge or the Court of Appeal, as the case may be.

Notice

- (5) The Director of Land Registration shall serve notice of his determination under subsection 4 by registered mail on the claimant.

**Time for
appeal**

- (6) Where the Director of Land Registration determines that compensation should be paid, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 5, serve on the Director of Land Registration notice of his intention to appeal, and the Director of Land Registration shall not certify under subsection 7 the amount to the Treasurer of Ontario if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

**Payment
out of Fund**

- (7) Subject to subsection 6, the Director of Land Registration shall certify to the Treasurer of Ontario any amount found to be payable under this section

and, upon receipt of the certificate of the Director of Land Registration, the Treasurer shall pay the amount to the person entitled thereto.

- (8) The Director of Land Registration may, by action in his own name, recover for the benefit of The Certification of Titles Assurance Fund any loss incurred by the Fund as a result of the fraud or misrepresentation of any person. ^{Liability for fraud or misrepresentation}

(2) Subsection 1 does not apply in respect of applications for payment of compensation made before this section comes into force. ^{Application of subsection 1}

4. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

5. This Act may be cited as *The Certification of Titles Amendment Act, 1970*. ^{Short title}

An Act to amend
The Certification of Titles Act

1st Reading

May 20th, 1970

2nd Reading

3rd Reading

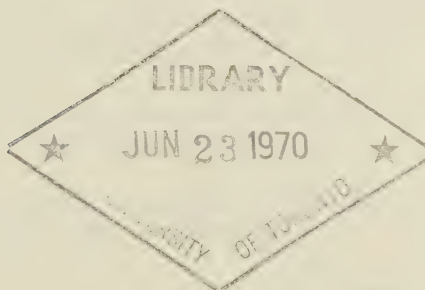
MR. WISHART

BILL 87

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Certification of Titles Act

MR. WISHART



BILL 87

1970

An Act to amend The Certification of Titles Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Certification of Titles Act*, as amended by R.S.O. 1960, c. 48, s. 1, section 1 of *The Certification of Titles Amendment Act, 1965*, re-enacted is repealed and the following substituted therefor:

1. In this Act,

Interpreta-
tion

(a) "Director of Land Registration" means the Director of Land Registration appointed under *The Registry Act*;

R.S.O. 1960,
c. 348

(b) "Director of Titles" means the Director of Titles appointed under *The Land Titles Act*.

R.S.O. 1960,
c. 204

1a. The Minister of Justice and Attorney General is responsible for the administration of this Act.

Administra-
tion of Act

2. Clause *b* of subsection 3 of section 14 of *The Certification of Titles Act*, as enacted by subsection 2 of section 6 of *The Certification of Titles Amendment Act, 1961-62*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 48, s. 14,
subs. 3
(1961-62,
c. 13, s. 6,
subs. 2),
cl. *b*,
re-enacted

(b) a plan of a survey under section 93a or 94a of *The Registry Act* or a predecessor thereof.

R.S.O. 1960,
c. 348

3.—(1) Section 16 of *The Certification of Titles Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 48, s. 16,
re-enacted

16.—(1) Where, by virtue of section 13, a person is deprived of any interest in land, he is entitled to recover what is just by way of compensation out of The Certification of Titles Assurance Fund, so far as it is sufficient for that purpose having reference to other charges thereon, if the application is made

Claim
against
Fund

within six years from the time of having been so deprived, or in the case of a person under the disability of infancy, mental incompetency or unsoundness of mind, within six years from the date at which the disability ceased.

Mining
lands

- (2) Where a claim is made under subsection 1 in respect of land patented as mining land or in respect of land whose chief value is the ores, mines or minerals therein and it appears that the claimant is entitled to compensation, the entire value of the land shall not be taken at a greater sum than twice the amount that was paid for the original grant from the Crown.

Application
for payment

- (3) A person claiming to be entitled to payment of compensation out of The Certification of Titles Assurance Fund shall apply to the Director of Titles who shall make a recommendation to the Director of Land Registration as to the amount, if any, that should be paid.

Determina-
tion of
payment

- (4) The liability of The Certification of Titles Assurance Fund for compensation and the amount of compensation shall, subject to appeal to a judge of a county or district court and from him to the Court of Appeal, be determined by the Director of Land Registration, and the costs of the proceedings under this section shall be in the discretion of the Director of Land Registration, the judge or the Court of Appeal, as the case may be.

Notice

- (5) The Director of Land Registration shall serve notice of his determination under subsection 4 by registered mail on the claimant.

Time for
appeal

- (6) Where the Director of Land Registration determines that compensation should be paid, the claimant, if he intends to appeal, shall, within a period of twenty days after the date of mailing of the notice under subsection 5, serve on the Director of Land Registration notice of his intention to appeal, and the Director of Land Registration shall not certify under subsection 7 the amount to the Treasurer of Ontario if a notice of appeal is received within that period or until after the expiry of that period if no notice of appeal is received.

Payment
out of Fund

- (7) Subject to subsection 6, the Director of Land Registration shall certify to the Treasurer of Ontario any amount found to be payable under this section

and, upon receipt of the certificate of the Director of Land Registration, the Treasurer shall pay the amount to the person entitled thereto.

- (8) The Director of Land Registration may, by action in his own name, recover for the benefit of The Certification of Titles Assurance Fund any loss incurred by the Fund as a result of the fraud or misrepresentation of any person. ^{Liability for fraud or misrepresentation}

(2) Subsection 1 does not apply in respect of applications for payment of compensation made before this section comes into force. ^{Application of subsection 1}

4. This Act comes into force on the day it receives Royal Assent. ^{Commencement}

5. This Act may be cited as *The Certification of Titles Amendment Act, 1970*. ^{Short title}

An Act to amend
The Certification of Titles Act

1st Reading

May 20th, 1970

2nd Reading

May 26th, 1970

3rd Reading

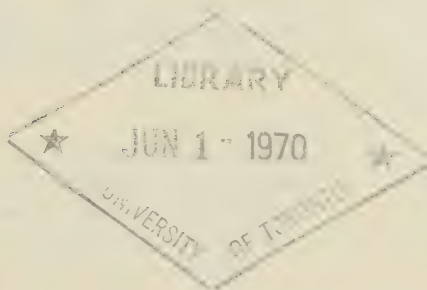
May 27th, 1970

MR. WISHART

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Provincial Courts Act, 1968

MR. WISHART



TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

SECTION 1. The amendment provides that the Chief Justice of Ontario shall be the chairman of the Judicial Council.

SECTION 2. The duties and powers of the Council are redefined.

An Act to amend The Provincial Courts Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 7 of *The Provincial Courts Act, 1968* is amended by adding at the end thereof “who shall be chairman”, so that the clause shall read as follows: ^{1968, c. 103, s. 7, subs. 1, cl. *a*, amended}

(a) the Chief Justice of Ontario, who shall be chairman.

2. Section 8 of *The Provincial Courts Act, 1968* is repealed and the following substituted therefor: ^{1968, c. 103, s. 8, re-enacted}

8.—(1) The functions of the Judicial Council are, Functions

- (a) at the request of the Minister, to consider the proposed appointments of provincial judges and make a report thereon to the Minister;
- (b) to receive complaints respecting the misbehaviour of or neglect of duty by judges or the inability of judges to perform their duties; and
- (c) to take such action to investigate complaints as it considers advisable including the review thereof with the judge where appropriate, and to make such recommendations to the Minister with respect thereto as it sees fit.

(2) The chairman may transmit such complaints as he considers appropriate to the chief judge of the Provincial Courts (Criminal Division) or the chief judge of the Provincial Courts (Family Division). ^{Transmission to chief judge}

Recom-
mendation
of inquiry

- (3) The Judicial Council may recommend to the Lieutenant Governor in Council that an inquiry be held under section 4.

Advising
Minister

- (4) The proceedings of the Judicial Council shall not be public, but it may inform and advise the Minister respecting matters that it has investigated or reviewed.

Powers
R.S.O. 1960,
c. 323

- (5) The Judicial Council has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Liability for
damages

- (6) No action or other proceeding for damages shall be instituted against the Judicial Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty.

1968, c. 103,
s. 9, subs. 2,
cl. a,
re-enacted

3. Clause *a* of subsection 2 of section 9 of *The Provincial Courts Act, 1968* is repealed and the following substituted therefor:

- (a) he is or has been a member of the bar of one of the provinces of Canada.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Provincial Courts Amendment Act, 1970*.

SECTION 3. At present, a provincial judge must have been a member of the bar for at least five years to hear indictable offences. The amendment removes the five year requirement.

An Act to amend
The Provincial Courts Act, 1968

1st Reading

May 20th, 1970

2nd Reading

3rd Reading

MR. WISHART

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Provincial Courts Act, 1968

MR. WISHART

BILL 88

1970

An Act to amend The Provincial Courts Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *a* of subsection 1 of section 7 of *The Provincial Courts Act, 1968* is amended by adding at the end thereof "who shall be chairman", so that the clause shall read as follows: 1968, c. 103,
s. 7, subs. 1,
cl. *a*,
amended

(a) the Chief Justice of Ontario, who shall be chairman.

2. Section 8 of *The Provincial Courts Act, 1968* is repealed and the following substituted therefor: 1968, c. 103,
s. 8,
re-enacted

8.—(1) The functions of the Judicial Council are, Functions

(a) at the request of the Minister, to consider the proposed appointments of provincial judges and make a report thereon to the Minister;

(b) to receive complaints respecting the misbehaviour of or neglect of duty by judges or the inability of judges to perform their duties; and

(c) to take such action to investigate complaints as it considers advisable including the review thereof with the judge where appropriate, and to make such recommendations to the Minister with respect thereto as it sees fit.

(2) The chairman may transmit such complaints as he considers appropriate to the chief judge of the Provincial Courts (Criminal Division) or the chief judge of the Provincial Courts (Family Division). Transmission
to chief
judge

Recom-
mendation
of inquiry

- (3) The Judicial Council may recommend to the Lieutenant Governor in Council that an inquiry be held under section 4.

Advising
Minister

- (4) The proceedings of the Judicial Council shall not be public, but it may inform and advise the Minister respecting matters that it has investigated or reviewed.

Powers

R.S.O. 1960,
c. 323

- (5) The Judicial Council has all the powers that may be conferred upon a commissioner under *The Public Inquiries Act*.

Liability for
damages

- (6) No action or other proceeding for damages shall be instituted against the Judicial Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his duty.

1968, c. 103,
s. 9, subs. 2,
cl. a,
re-enacted

3. Clause *a* of subsection 2 of section 9 of *The Provincial Courts Act, 1968* is repealed and the following substituted therefor:

- (a) he is or has been a member of the bar of one of the provinces of Canada.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Provincial Courts Amendment Act, 1970*.

An Act to amend
The Provincial Courts Act, 1968

1st Reading

May 20th, 1970

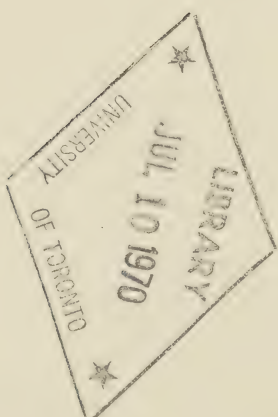
2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

MR. WISHART

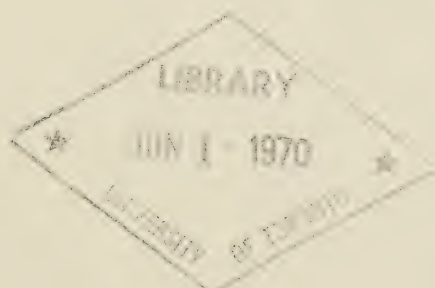


BILL 89

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Trustee Act

MR. WISHART



EXPLANATORY NOTE

The amendment permits trustees to keep trust funds in term deposits with chartered banks.

BILL 89

1970

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Trustee Act*, as amended by section 1 of *The Trustee Amendment Act, 1965*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 408, s. 26,
amended

- (g) deposit receipts, deposit notes, certificates of deposits, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies.

1966-67,
c. 87 (Can.)

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Trustee Amendment Act*.

Short title
1970.

An Act to amend The Trustee Act

1st Reading

May 20th, 1970

2nd Reading

3rd Reading

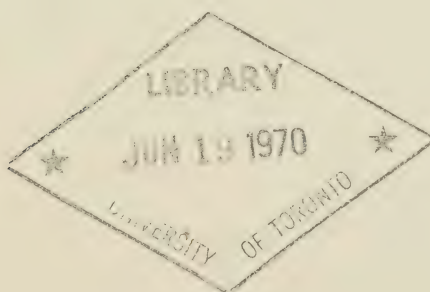
Mr. WISHART

BILL 89

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Trustee Act

MR. WISHART



BILL 89

1970

An Act to amend The Trustee Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 26 of *The Trustee Act*, as amended by section 1 of *The Trustee Amendment Act, 1965*, is further amended by adding thereto the following clause:

R.S.O. 1960,
c. 408, s. 26,
amended

- (g) deposit receipts, deposit notes, certificates of deposits, acceptances and other similar instruments issued or endorsed by any chartered bank to which the *Bank Act* (Canada) applies.

1966-67,
c. 87 (Can.)

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Trustee Amendment Act, 1970*.

Short title

BILL 89

An Act to amend The Trustee Act

1st Reading

May 20th, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

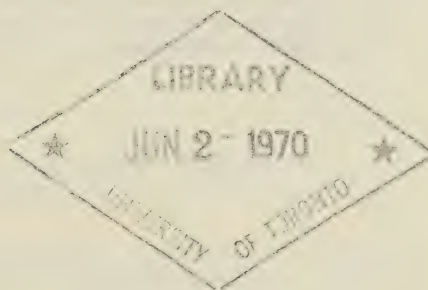
MR. WISHART

BILL 90

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Registry Act

MR. WISHART



EXPLANATORY NOTES

SECTION 1. The definition of surveyor is brought into line with *The Surveyors Act, 1968-69*.

SECTION 2. The amendment would permit registry divisions to be divided in the counties as well as in the districts.

SECTION 3. The provision is amended for the purpose of deleting the Crown attorney as registrar where there is no deputy and replacing him by an employee of the registry office designated by the Director of Land Registration.

BILL 90

1970

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *m* of section 1 of *The Registry Act*, as re-enacted by section 1 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 1
(1966, c.
136, s. 1),
cl. *m*,
re-enacted

(*m*) "surveyor" means a member of the Association of Ontario Land Surveyors who is authorized under *The Surveyors Act, 1968-69* to engage in the practice of professional land surveying in Ontario.

1968-69
c. 125

2. Clause *b* of subsection 2 of section 4 of *The Registry Act*, as re-enacted by section 3 of *The Registry Amendment Act, 1964* and amended by section 1 of *The Registry Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 4,
subs. 2
(1964, c. 102,
s. 3) cl. *b*,
re-enacted

(*b*) divide a registry division into two or more registry divisions.

3. Subsection 2 of section 12 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 12,
subs. 2,
re-enacted

(2) Where the office of registrar becomes vacant,

Temporary
registrar

(*a*) the deputy registrar; or

(*b*) if there is more than one deputy registrar,
the senior deputy registrar; or

(*c*) if there is no deputy registrar, a person employed in a registry office and designated by the Director,

may exercise the powers and shall perform the duties of the registrar until a registrar is appointed.

R.S.O. 1960,
c. 348, s. 16,
re-enacted

4. Section 16 of *The Registry Act* is repealed and the following substituted therefor:

Holiday
defined

16.—(1) In this section, “holiday” means,

R.S.O. 1960,
c. 191

(a) a holiday as defined in *The Interpretation Act*;

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the registry office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every registry office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon, and no instrument shall be received for registration except within those hours.

R.S.O. 1960,
c. 348, s. 17
(1962-63,
c. 124, s. 6),
subs. 2,
re-enacted

5. Subsection 2 of section 17 of *The Registry Act*, as re-enacted by section 6 of *The Registry Amendment Act, 1962-63* is repealed and the following substituted therefor:

What not
to be
included

(2) Unless the request for an abstract otherwise specifies, the registrar shall not include in the abstract an extract of any instrument that has been marked off the abstract index pursuant to section 73.

R.S.O. 1960,
c. 348, s. 18,
repealed

6. Section 18 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 25
(1966, c. 136,
s. 6),
repealed

7. Section 25 of *The Registry Act*, as re-enacted by section 6 of *The Registry Amendment Act, 1966*, is repealed.

R.S.O. 1960,
c. 348, s. 26,
subs. 5,
repealed

8. Subsection 5 of section 26 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 28,
repealed

9. Section 28 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 29,
subs. 1,
amended

10. Subsection 1 of section 29 of *The Registry Act*, as amended by section 11 of *The Registry Amendment Act 1962-63*, is further amended by striking out “of such land into smaller sections or lots” in the fifth line and inserting in lieu thereof “judge’s plan or municipal plan under section 93a”, so that the subsection shall read as follows:

SECTION 4. The days on which registry offices are closed are up-dated to include Boxing Day and Civic Holiday.

SECTION 5. The amendment deletes provisions permitting a registrar to omit from a registrar's abstract certain documents that, by section 17 of this Bill, may now be ruled off. Under the two amendments, the registrar will rule them off or include them in his abstract.

SECTION 6. The provision repealed absolves a registrar from liability for the mistakes of a predecessor and dates from a time when registrars were almost independent contractors. Since they are now Crown employees, the provision is misleading.

SECTION 7. The provision repealed requires a registrar, upon leaving office, to turn over the records to his successor. The provision is obsolete for the reasons given in the explanatory note for section 6 of this Bill and in view of section 283 of the *Criminal Code* (Canada).

SECTION 8. The provision repealed authorizes the Director to order new surveys of a locality at the expense of a municipality. The provision serves no purpose now that the costs of the administration of justice have been assumed by the Province.

SECTION 9. The amendment is complementary to section 8 of the Bill. The provision repealed provides for recovery from the municipality of the cost of new surveys ordered under subsection 5 of section 26, which is repealed by section 8.

SECTION 10. The amendment requires judge's plans and municipal plans to be treated as subdivision plans for the purpose of the manner of entry in the abstract index.

SECTION 11. The amendment includes as unpatented Crown land that, although once patented, has reverted to the status of unpatented Crown land.

SECTION 12. The amendment permits registration of a certified copy of securities registered under *The Corporation Securities Registration Act*, in place of the original.

SECTION 13. The exceptions to the requirement for an affidavit as to age in respect of instruments are extended to apply to such affidavits respecting plans.

SECTION 14. The amendment recognizes the deposit of Canadian succession duty consents before the requirement was made a condition of registration.

SECTION 15. The provision repealed provides the method for registering instruments to replace memorials previously registered. The provision is obsolete and now serves no purpose.

SECTION 16. The new section prohibits the registration of a mortgage-of-a-mortgage and corresponds to subsection 8 of section 99 of *The Land Titles Act* which prohibits the registration of a charge-of-a-charge.

- (1) The registrar, in a book in the prescribed form called the "Abstract Index", shall enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or that appears on any registered plan of the subdivision, judge's plan or municipal plan under section 93a.

Abstract
Index of lots

11. Subsection 3 of section 31 of *The Registry Act*, as re-enacted by section 8 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 31
(1966, c. 136,
s. 8), subs.
3, re-enacted

- (3) Subject to subsection 4, the registration of an instrument purporting to affect unpatented Crown land or land that has the status of unpatented Crown land has no effect under this Act.

Unpatented
Crown lands

12. Section 43 of *The Registry Act*, as re-enacted by section 18 of *The Registry Amendment Act, 1962-63*, is amended by adding "or" at the end of clause *b* and by adding thereto the following clause:

R.S.O. 1960,
c. 348, s. 43
(1962-63,
c. 124, s. 18),
amended

- (c) a copy of an instrument registered under *The Corporation Securities Registration Act*, certified by the Minister under that Act.

R.S.O. 1960,
c. 70

13. Subsection 9 of section 52 of *The Registry Act*, as re-enacted by subsection 1 of section 18 of *The Registry Amendment Act, 1966*, is amended by striking out "Subsection 1 does" in the first line and inserting in lieu thereof "Subsections 1 and 3 do", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 348, s. 52
(1966, c. 136,
s. 18, subs.
1), subs. 9,
amended

- (9) Subsections 1 and 3 do not apply,

Where subss.
1, 3 do not
apply

14. Section 58a of *The Registry Act*, as re-enacted by section 10 of *The Registry Amendment Act, 1968-69*, is amended by adding thereto the following subsection:

R.S.O. 1960,
c. 348, s. 58a
(1968-69,
c. 109, s. 10),
amended

- (3) Where a consent under the *Estate Tax Act* (Canada) was deposited under Part II of this Act before the 1st day of January, 1970, such consent shall be deemed to have been sufficiently registered for the purposes of subsection 1.

Deposit of
consents
before
January 1st,
1970
1958, c. 29
(Can.)

15. Section 64 of *The Registry Act*, as amended by section 26 of *The Registry Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 348, s. 64,
repealed

16. *The Registry Act* is amended by adding thereto the following section:

R.S.O. 1960,
c. 348,
amended

Mortgage-of-a-mortgage, etc., not to be registered

65b.—(1) Subject to subsection 2,

(a) a mortgage-of-a-mortgage; or

(b) a discharge of a mortgage-of-a-mortgage,

executed after the day on which this section comes into force, shall not be registered.

Exceptions

(2) Where, upon an application made to him, a judge of a county or district court is satisfied that there cannot be conveniently obtained and registered,

(a) an assignment of a mortgage containing a provision for reassignment to the assignor instead of a mortgage-of-a-mortgage; or

(b) an assignment of a mortgage-of-a-mortgage to the person entitled to redeem the mortgage-of-a-mortgage instead of a discharge of the mortgage-of-a-mortgage,

the judge may endorse his fiat on the mortgage-of-a-mortgage or discharge of a mortgage-of-a-mortgage, which may then be registered, notwithstanding subsection 1.

Effect of registration of discharge

(3) A discharge, even though registered under subsection 2, executed by the person entitled to receive the money under a mortgage-of-a-mortgage, or by his executor, administrator, legal personal representative or assignee, does not operate as a discharge of the mortgaged mortgage unless,

(a) the right to discharge the mortgaged mortgage is conferred by the mortgage-of-a-mortgage, and such right is recited in the discharge;

(b) the mortgagor of the mortgage-of-a-mortgage has lost his right to redeem, by reason of foreclosure of or sale under the mortgage-of-a-mortgage, and the foreclosure or sale is evidenced by registered instruments; or

(c) upon an application made to him, a judge of a county or district court is satisfied that the discharge when registered has the effect of discharging the mortgaged mortgage and he makes an order to that effect and the order is either endorsed on or attached to or registered after the discharge.

SECTION 17. The Act now requires registrars to rule off the entries of certain discharged encumbrances registered after the 1st of January, 1890. The choosing of the date was based on a forty-year root of title at the time the ruling-off provision was enacted. As more recent opinion requires more inspection of titles beyond the forty-year root, the amendment authorizes, but does not require, the registrar to rule off such entries before the 1st of January, 1890.

SECTION 18. The provision repealed gives the registration of a will or probate within a year of the death the same effect as if registered immediately after the death. The provision guards against immediate vesting in the heirs at law and serves no purpose now that the land does not vest in the heirs at law for three years.

SECTION 19—Subsection 1. Complete discharges of mortgages are added to the instruments that are not required to contain descriptions of land in accordance with the plan.

Subsection 2. The amendment corrects references to correspond with changes in numbering.

- (4) Notwithstanding section 73, a registrar shall not mark off the entry in the abstract index of a mortgage or instrument dealing with the mortgage if a mortgage-of-the-mortgage was registered and the only registered discharge relating to the mortgage was of the mortgage-of-the-mortgage, except where, having regard to the provisions contained in the mortgage-of-the-mortgage and to subsection 3, he is satisfied that the discharge had the effect of discharging the mortgaged mortgage.

17. Section 73 of *The Registry Act*, as amended by section 30 of *The Registry Amendment Act, 1962-63*, section 32 of *The Registry Amendment Act, 1966*, section 8 of *The Registry Amendment Act, 1968* and section 11 of *The Registry Amendment Act, 1968-69*, is further amended by adding thereto the following subsection:

- (10) The registrar may draw a line in red ink through the entries in the abstract index of mortgages, certificates of *lis pendens* and mechanics' liens registered on or before the 1st day of January, 1890 in the circumstances mentioned in subsections 1, 2 and 4, whereupon the lands described in the mortgages, certificates of *lis pendens* or mechanics' liens are validly discharged therefrom.

18. Section 82 of *The Registry Act*, as amended by section 36 of *The Registry Amendment Act, 1966*, is repealed.

19.—(1) Subsection 3 of section 86 of *The Registry Act*, as re-enacted by subsection 1 of section 37 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

- (3) Subject to sections 33 and 90 and subsection 5 of section 65, an instrument affecting the land on a plan of subdivision or any part thereof, executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20 and a certificate of discharge purporting to completely discharge a mortgage, shall not be registered unless it refers and conforms to the plan.

(2) Subsection 8 of the said section 86, as re-enacted by section 22 of *The Registry Amendment Act, 1964*, is amended by striking out "26, 88, 94" in the second line and inserting in lieu thereof "88, 93a", so that the subsection shall read as follows:

Approvals
under
R.S.O. 1960,
c. 296

- (8) No plan to which *The Planning Act* applies, except a plan registered under section 88, 93a or 94a of this Act, shall be registered unless approved under *The Planning Act*.

R.S.O. 1960,
c. 348, s. 86
(1964, c. 102,
s. 22),
amended

- (3) The said section 86 is amended by adding thereto the following subsection:

When
registered
plan binding

- (10) A registered plan of subdivision is not binding on the person who registered it or upon any other person unless a deed or mortgage in which the land is described in accordance with the plan has been registered.

R.S.O. 1960,
c. 348, s. 87,
re-enacted

- 20.** Section 87 of *The Registry Act* is repealed and the following substituted therefor:

Plan index
book

87. The Director may direct that a plan index book, in the form prescribed by him, shall be kept by the registrar.

R.S.O. 1960,
c. 348, s. 91,
repealed

- 21.** Section 91 of *The Registry Act*, as amended by section 24 of *The Registry Amendment Act, 1964*, is repealed.

R.S.O. 1960,
c. 348, s. 92,
amended

- 22.** Section 92 of *The Registry Act* is amended by adding thereto the following subsections:

Consent of
owner to
alteration
of road

- (2) No part of a highway, road, street or lane upon which any lot abuts, or that connects any such lot with or affords access therefrom to the nearest public highway, shall be closed, diverted or altered without the consent in writing of the owner of such lot.

Appeal
from order

- (3) The Minister of Justice and Attorney General or any person affected by an order made under subsection 1 may appeal the order to the Supreme Court.

Consent of
Minister of
Municipal
Affairs
R.S.O. 1960,
c. 296

- (4) An order shall not be made under this section amending a plan that was approved under section 28 of *The Planning Act* or a predecessor thereof without the prior written consent of the Minister of Municipal Affairs to the amendment.

R.S.O. 1960,
c. 348, s. 92a
(1964, c. 102,
s. 25),
re-enacted

- 23.** Section 92a of *The Registry Act*, as enacted by section 25 of *The Registry Amendment Act, 1964* and amended by section 41 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

Correction
of errors on
plan

- 92a. The registrar, the surveyor or any interested person may apply to a judge of a county or district court of the county, district or regional municipality in

Subsection 3. The location of this provision is moved from section 91 (1) to section 86 (10).

SECTION 20. The amendment deletes reference to the payment of the cost of the plan index book by the municipal treasurer.

SECTION 21. Subsection 1 of the repealed section 91 is re-enacted by section 19 of this Bill as section 86 (10). The rest of the repealed provision provides for the amendment or alteration of a plan by a county court judge.

SECTION 22. The new provisions apply to the amendment of a plan by order of a judge on the application of a municipality.

SECTION 23. The section is re-enacted to remove the provisions for which the equivalent is included in section 22 of the Bill.

SECTION 24. The purpose of the amendments is to have the effect of the Director's restraining order correspond to the effect of a subdivision control by-law under *The Planning Act* and to permit the Director to consent to registration in the same manner as a committee of adjustment.

SECTION 25. The provision repealed authorizes employees of a land titles office to search records in registry offices without payment of fee. The provision is unnecessary now that both offices are administered directly by the Department of Justice.

SECTION 26. The provision repealed requires registrars to post up in the registry office the schedule of fees, and when requested, to give receipts.

SECTION 27. The provision repealed requires the registrar to supply the municipality, upon the request of council, with particulars of transactions registered in the registry office for assessment purposes. The provision is unnecessary now that assessors are provincial employees.

SECTION 28. The provision repealed authorizes the Director to employ temporary help when work is in arrears.

SECTION 29. The maximum penalty for altering registry office records is increased from \$100 to \$1,000.

which the land included in a registered plan of subdivision is situate and the judge has power to make orders and directions authorizing the registrar to correct any erroneous measurement upon, or any error, defect or omission in the plan upon production of evidence satisfactory to the judge, and either upon giving such notice to interested parties as he considers appropriate or *ex parte*.

24.—(1) Clause *a*, clause *b* as amended by section 45 of *The Registry Amendment Act, 1966*, and clause *c* of subsection 1 of section 96 of *The Registry Act*, as re-enacted by section 37 of *The Registry Amendment Act, 1962-63*, are repealed and the following substituted therefor:

R.S.O. 1960.
c. 348, s. 96
(1962-63,
c. 124, s. 37),
subs. 1,
cls. *a*, *b*,
re-enacted
cl. *c*,
repealed

(a) unless the instrument complies with the requirements of clause *a*, *b*, *d* or *da* of subsection 1 of section 26 of *The Planning Act*; or

R.S.O. 1960.
c. 296

(b) unless the written consent of the Director is endorsed thereon.

(2) Subsection 4 of the said section 96, as amended by section 13 of *The Registry Amendment Act, 1968-69*, is further amended by inserting after "direction" in the first line "or consenting", so that the subsection, exclusive of the clauses, shall read as follows:

R.S.O. 1960.
c. 348, s. 96
(1962-63,
c. 124, s. 37),
or
subs. 4,
amended

(4) Before altering or withdrawing a direction or con-
senting to permit the registration of an instrument,
the Inspector,

Conditions

25. Section 103 of *The Registry Act* is repealed.

R.S.O. 1960.
c. 348, s. 103,
repealed

26. Section 105 of *The Registry Act* is repealed.

R.S.O. 1960.
c. 348, s. 105
repealed

27. Section 108 of *The Registry Act*, as re-enacted by section 41 of *The Registry Amendment Act, 1962-63*, is repealed.

R.S.O. 1960.
c. 348, s. 108
(1962-63,
c. 124, s. 41),
repealed

28. Section 124 of *The Registry Act* is repealed.

R.S.O. 1960.
c. 348, s. 124,
repealed

29. Section 125 of *The Registry Act*, as amended by section 49 of *The Registry Amendment Act, 1966*, is further amended by striking out "\$100" in the eleventh line and inserting in lieu thereof "\$1,000", so that the section shall read as follows:

R.S.O. 1960.
c. 348, s. 125,
amended

125. Any person, except the registrar or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument in any registry

Offence for
unauthorized
alteration of
entry

office, or makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of such book, record, plan or registered instrument, and any person who removes or attempts to remove any instrument registered or deposited in a registry office from such office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$1,000.

R.S.O. 1960,
c. 348, s. 135,
subs. 2,
cl. *ba*
(1968-69,
c. 109, s. 17),
amended

30. Clause *ba* of subsection 2 of section 135 of *The Registry Act*, as enacted by section 17 of *The Registry Amendment Act, 1968-69*, is amended by striking out "January" in the fourth line and inserting in lieu thereof "July", so that the clause shall read as follows:

(*ba*) a claim of a corporation authorized to construct or operate a railway, including a street railway or incline railway, in respect of lands acquired by the corporation after the 1st day of July, 1930, and,

(i) owned or used for the purposes of a right-of-way for railway lines, or

(ii) abutting such right-of-way.

Validity of
prior
registration
not affected

31. No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

Commence-
ment

32.—(1) This Act, except section 16, comes into force on the 1st day of July, 1970.

Idem

(2) Section 16 comes into force on the 1st day of January, 1971.

Short title

33. This Act may be cited as *The Registry Amendment Act, 1970*.

SECTION 30. The provision amended excepts railway rights-of-way from the 40-year limitation for roots of title. The exception was made at the 1968-69 session and has not yet been proclaimed in force. The date mentioned in the provision is advanced six months to correspond to the 40-year anniversary when it will be brought into force.

An Act to amend The Registry Act

1st Reading

May 20th, 1970

2nd Reading

3rd Reading

MR. WISHART

BILL 90

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Registry Act

MR. WISHART



BILL 90

1970

An Act to amend The Registry Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *m* of section 1 of *The Registry Act*, as re-enacted by section 1 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 1
(1966, c.
136, s. 1),
cl. *m*,
re-enacted

- (*m*) "surveyor" means a member of the Association of Ontario Land Surveyors who is authorized under *The Surveyors Act, 1968-69* to engage in the practice of professional land surveying in Ontario.

1968-69
c. 125

2. Clause *b* of subsection 2 of section 4 of *The Registry Act*, as re-enacted by section 3 of *The Registry Amendment Act, 1964* and amended by section 1 of *The Registry Amendment Act, 1965*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 4,
subs. 2
(1964, c. 102,
s. 3) cl. *b*,
re-enacted

- (*b*) divide a registry division into two or more registry divisions.

3. Subsection 2 of section 12 of *The Registry Act* is repealed and the following substituted therefor:

R.S.O. 1960,
c. 348, s. 12,
subs. 2,
re-enacted

- (2) Where the office of registrar becomes vacant,

Temporary
registrar

- (*a*) the deputy registrar; or
- (*b*) if there is more than one deputy registrar, the senior deputy registrar; or
- (*c*) if there is no deputy registrar, a person employed in a registry office and designated by the Director,

may exercise the powers and shall perform the duties of the registrar until a registrar is appointed.

R.S.O. 1960, c. 348, s. 16, re-enacted **4.** Section 16 of *The Registry Act* is repealed and the following substituted therefor:

Holiday defined

16.—(1) In this section, “holiday” means,

R.S.O. 1960, c. 191

(a) a holiday as defined in *The Interpretation Act*;

(b) Saturday;

(c) the day proclaimed as Civic Holiday in the municipality in which the registry office is located;

(d) the 26th day of December in a year in which Christmas Day falls on a day other than Saturday, or the 27th day of December in a year in which Christmas Day falls on a Saturday.

Office hours

(2) Except on holidays when they shall be closed, every registry office shall be kept open from 9.30 o'clock in the forenoon until 4.30 o'clock in the afternoon, and no instrument shall be received for registration except within those hours.

R.S.O. 1960, c. 348, s. 17 (1962-63, c. 124, s. 6), subs. 2, re-enacted

5. Subsection 2 of section 17 of *The Registry Act*, as re-enacted by section 6 of *The Registry Amendment Act, 1962-63* is repealed and the following substituted therefor:

What not to be included

(2) Unless the request for an abstract otherwise specifies, the registrar shall not include in the abstract an extract of any instrument that has been marked off the abstract index pursuant to section 73.

R.S.O. 1960, c. 348, s. 18, repealed

6. Section 18 of *The Registry Act* is repealed.

R.S.O. 1960, c. 348, s. 25 (1966, c. 136, s. 6), repealed

7. Section 25 of *The Registry Act*, as re-enacted by section 6 of *The Registry Amendment Act, 1966*, is repealed.

R.S.O. 1960, c. 348, s. 26, subs. 5, repealed

8. Subsection 5 of section 26 of *The Registry Act* is repealed.

R.S.O. 1960, c. 348, s. 28, repealed

9. Section 28 of *The Registry Act* is repealed.

R.S.O. 1960, c. 348, s. 29, subs. 1, amended

10. Subsection 1 of section 29 of *The Registry Act*, as amended by section 11 of *The Registry Amendment Act, 1962-63*, is further amended by striking out “of such land into smaller sections or lots” in the fifth line and inserting in lieu thereof “judge’s plan or municipal plan under section 93a”, so that the subsection shall read as follows:

- (1) The registrar, in a book in the prescribed form called ^{Abstract Index of lots} the "Abstract Index", shall enter under a separate and distinct head each separate lot or part of a lot of land as originally patented by the Crown, or that appears on any registered plan of the subdivision, judge's plan or municipal plan under section 93a.

11. Subsection 3 of section 31 of *The Registry Act*, as re-enacted by section 8 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor: ^{R.S.O. 1960, c. 348, s. 31 (1966, c. 136, s. 8), subs. 3, re-enacted}

- (3) Subject to subsection 4, the registration of an instrument purporting to affect unpatented Crown land or land that has the status of unpatented Crown land has no effect under this Act. ^{Unpatented Crown lands}

12. Section 43 of *The Registry Act*, as re-enacted by section 18 of *The Registry Amendment Act, 1962-63*, is amended by adding "or" at the end of clause *b* and by adding thereto the following clause: ^{R.S.O. 1960, c. 348, s. 43 (1962-63, c. 124, s. 18), amended}

- (c) a copy of an instrument registered under *The Corporation Securities Registration Act*, certified by the Minister under that Act. ^{R.S.O. 1960, c. 70}

13. Subsection 9 of section 52 of *The Registry Act*, as re-enacted by subsection 1 of section 18 of *The Registry Amendment Act, 1966*, is amended by striking out "Subsection 1 does" in the first line and inserting in lieu thereof "Subsections 1 and 3 do", so that the subsection, exclusive of the clauses, shall read as follows: ^{R.S.O. 1960, c. 348, s. 52 (1966, c. 136, s. 18, subs. 1), subs. 9, amended}

- (9) Subsections 1 and 3 do not apply, ^{Where subs. 1, 3 do not apply}

14. Section 58a of *The Registry Act*, as re-enacted by section 10 of *The Registry Amendment Act, 1968-69*, is amended by adding thereto the following subsection: ^{R.S.O. 1960, c. 348, s. 58a (1968-69, c. 109, s. 10), amended}

- (3) Where a consent under the *Estate Tax Act* (Canada) was deposited under Part II of this Act before the 1st day of January, 1970, such consent shall be deemed to have been sufficiently registered for the purposes of subsection 1. ^{Deposit of consents before January 1st, 1970 (1958, c. 29 (Can.))}

15. Section 64 of *The Registry Act*, as amended by section 26 of *The Registry Amendment Act, 1962-63*, is repealed. ^{R.S.O. 1960, c. 348, s. 64, repealed}

16. *The Registry Act* is amended by adding thereto the following section: ^{R.S.O. 1960, c. 348, amended}

Mortgage-of-a-mortgage,
etc., not to
be registered

65b.—(1) Subject to subsection 2,

(a) a mortgage-of-a-mortgage; or

(b) a discharge of a mortgage-of-a-mortgage,

executed after the day on which this section comes into force, shall not be registered.

Exceptions

(2) Where, upon an application made to him, a judge of a county or district court is satisfied that there cannot be conveniently obtained and registered,

(a) an assignment of a mortgage containing a provision for reassignment to the assignor instead of a mortgage-of-a-mortgage; or

(b) an assignment of a mortgage-of-a-mortgage to the person entitled to redeem the mortgage-of-a-mortgage instead of a discharge of the mortgage-of-a-mortgage,

the judge may endorse his fiat on the mortgage-of-a-mortgage or discharge of a mortgage-of-a-mortgage, which may then be registered, notwithstanding subsection 1.

Effect of
registration
of discharge

(3) A discharge, even though registered under subsection 2, executed by the person entitled to receive the money under a mortgage-of-a-mortgage, or by his executor, administrator, legal personal representative or assignee, does not operate as a discharge of the mortgaged mortgage unless,

(a) the right to discharge the mortgaged mortgage is conferred by the mortgage-of-a-mortgage, and such right is recited in the discharge;

(b) the mortgagor of the mortgage-of-a-mortgage has lost his right to redeem, by reason of foreclosure of or sale under the mortgage-of-a-mortgage, and the foreclosure or sale is evidenced by registered instruments; or

(c) upon an application made to him, a judge of a county or district court is satisfied that the discharge when registered has the effect of discharging the mortgaged mortgage and he makes an order to that effect and the order is either endorsed on or attached to or registered after the discharge.

- (4) Notwithstanding section 73, a registrar shall not mark off the entry in the abstract index of a mortgage or instrument dealing with the mortgage if a mortgage-of-the-mortgage was registered and the only registered discharge relating to the mortgage was of the mortgage-of-the-mortgage, except where, having regard to the provisions contained in the mortgage-of-the-mortgage and to subsection 3, he is satisfied that the discharge had the effect of discharging the mortgaged mortgage. Marking off mortgage

17. Section 73 of *The Registry Act*, as amended by section 30 of *The Registry Amendment Act, 1962-63*, section 32 of *The Registry Amendment Act, 1966*, section 8 of *The Registry Amendment Act, 1968* and section 11 of *The Registry Amendment Act, 1968-69*, is further amended by adding thereto the following subsection: R.S.O. 1960, c. 348, s. 73, amended

- (10) The registrar may draw a line in red ink through the entries in the abstract index of mortgages, certificates of *lis pendens* and mechanics' liens registered on or before the 1st day of January, 1890 in the circumstances mentioned in subsections 1, 2 and 4, whereupon the lands described in the mortgages, certificates of *lis pendens* or mechanics' liens are validly discharged therefrom. Marking of entries before 1st January, 1890

18. Section 82 of *The Registry Act*, as amended by section 36 of *The Registry Amendment Act, 1966*, is repealed. R.S.O. 1960, c. 348, s. 82, repealed

19.—(1) Subsection 3 of section 86 of *The Registry Act*, as re-enacted by subsection 1 of section 37 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor: R.S.O. 1960, c. 348, s. 86, subs. 3 (1966, c. 136, s. 37, subs. 1), re-enacted

- (3) Subject to sections 33 and 90 and subsection 5 of section 65, an instrument affecting the land on a plan of subdivision or any part thereof, executed after the plan is registered, except an instrument registered under subsection 5 or 8 of section 20 and a certificate of discharge purporting to completely discharge a mortgage, shall not be registered unless it refers and conforms to the plan. Instruments to conform to plan

(2) Subsection 8 of the said section 86, as re-enacted by section 22 of *The Registry Amendment Act, 1964*, is amended by striking out "26, 88, 94" in the second line and inserting in lieu thereof "88, 93a", so that the subsection shall read as follows: R.S.O. 1960, c. 348, s. 86 (1964, c. 102, s. 22), subs. 8, amended

Approvals
under
R.S.O. 1960,
c. 296

- (8) No plan to which *The Planning Act* applies, except a plan registered under section 88, 93a or 94a of this Act, shall be registered unless approved under *The Planning Act*.

R.S.O. 1960,
c. 348, s. 86
(1964, c. 102,
s. 22),
amended

- (3) The said section 86 is amended by adding thereto the following subsection:

When
registered
plan binding

- (10) A registered plan of subdivision is not binding on the person who registered it or upon any other person unless a deed or mortgage in which the land is described in accordance with the plan has been registered.

R.S.O. 1960,
c. 348, s. 87,
re-enacted

- 20.** Section 87 of *The Registry Act* is repealed and the following substituted therefor:

Plan index
book

87. The Director may direct that a plan index book, in the form prescribed by him, shall be kept by the registrar.

R.S.O. 1960,
c. 348, s. 91,
repealed

- 21.** Section 91 of *The Registry Act*, as amended by section 24 of *The Registry Amendment Act, 1964*, is repealed.

R.S.O. 1960,
c. 348, s. 92,
amended

- 22.** Section 92 of *The Registry Act* is amended by adding thereto the following subsections:

Consent of
owner to
alteration
of road

- (2) No part of a highway, road, street or lane upon which any lot abuts, or that connects any such lot with or affords access therefrom to the nearest public highway, shall be closed, diverted or altered without the consent in writing of the owner of such lot.

Appeal
from order

- (3) The Minister of Justice and Attorney General or any person affected by an order made under subsection 1 may appeal the order to the Supreme Court.

Consent of
Minister of
Municipal
Affairs
R.S.O. 1960,
c. 296

- (4) An order shall not be made under this section amending a plan that was approved under section 28 of *The Planning Act* or a predecessor thereof without the prior written consent of the Minister of Municipal Affairs to the amendment.

R.S.O. 1960,
c. 348, s. 92a
(1964, c. 102,
s. 25),
re-enacted

- 23.** Section 92a of *The Registry Act*, as enacted by section 25 of *The Registry Amendment Act, 1964* and amended by section 41 of *The Registry Amendment Act, 1966*, is repealed and the following substituted therefor:

Correction
of errors on
plan

- 92a. The registrar, the surveyor or any interested person may apply to a judge of a county or district court of the county, district or regional municipality in

which the land included in a registered plan of subdivision is situate and the judge has power to make orders and directions authorizing the registrar to correct any erroneous measurement upon, or any error, defect or omission in the plan upon production of evidence satisfactory to the judge, and either upon giving such notice to interested parties as he considers appropriate or *ex parte*.

24.—(1) Clause *a*, clause *b* as amended by section 45 of *The Registry Amendment Act, 1966*, and clause *c* of subsection 1 of section 96 of *The Registry Act*, as re-enacted by section 37 of *The Registry Amendment Act, 1962-63*, are repealed and the following substituted therefor: R.S.O. 1960,
c. 348, s. 96
(1962-63,
c. 124, s. 37),
subs. 1,
cls. *a*, *b*,
re-enacted
cl. *c*,
repealed

(*a*) unless the instrument complies with the requirements of clause *a*, *b*, *d* or *da* of subsection 1 of section 26 of *The Planning Act*; or

R.S.O. 1960,
c. 296

(*b*) unless the written consent of the Director is endorsed thereon.

(2) Subsection 4 of the said section 96, as amended by section 13 of *The Registry Amendment Act, 1968-69*, is further amended by inserting after “direction” in the first line “or consenting”, so that the subsection, exclusive of the clauses, shall read as follows: R.S.O. 1960,
c. 348, s. 96
(1962-63,
c. 124, s. 37),
subs. 4,
amended

(4) Before altering or withdrawing a direction or consenting to permit the registration of an instrument, the Inspector, Conditions

25. Section 103 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 103,
repealed

26. Section 105 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 105
repealed

27. Section 108 of *The Registry Act*, as re-enacted by section 41 of *The Registry Amendment Act, 1962-63*, is repealed.

R.S.O. 1960,
c. 348, s. 108
(1962-63,
c. 124, s. 41),
repealed

28. Section 124 of *The Registry Act* is repealed.

R.S.O. 1960,
c. 348, s. 124,
repealed

29. Section 125 of *The Registry Act*, as amended by section 49 of *The Registry Amendment Act, 1966*, is further amended by striking out “\$100” in the eleventh line and inserting in lieu thereof “\$1,000”, so that the section shall read as follows: R.S.O. 1960,
c. 348, s. 125,
amended

125. Any person, except the registrar or other officer when entitled by law so to do, who alters any book, record, plan or registered instrument in any registry Offence for
unauthorized
alteration of
entry

office, or makes any memorandum, word or figure in writing thereon, whether in pencil or in ink, or by any other means, or in any way adds to or takes from the contents of such book, record, plan or registered instrument, and any person who removes or attempts to remove any instrument registered or deposited in a registry office from such office without lawful authority, is guilty of an offence and on summary conviction is liable to a fine of not less than \$50 and not more than \$1,000.

R.S.O. 1960,
c. 348, s. 135,
subs. 2,
cl. *ba*
(1968-69,
c. 109, s. 17),
amended

30. Clause *ba* of subsection 2 of section 135 of *The Registry Act*, as enacted by section 17 of *The Registry Amendment Act, 1968-69*, is amended by striking out "January" in the fourth line and inserting in lieu thereof "July", so that the clause shall read as follows:

(*ba*) a claim of a corporation authorized to construct or operate a railway, including a street railway or incline railway, in respect of lands acquired by the corporation after the 1st day of July, 1930, and,

(i) owned or used for the purposes of a right-of-way for railway lines, or

(ii) abutting such right-of-way.

Validity of
prior
registration
not affected

31. No provision of this Act affects the validity of the registration of any instrument that was registered before such provision came into force.

Commence-
ment

32.—(1) This Act, except section 16, comes into force on the 1st day of July, 1970.

Idem

(2) Section 16 comes into force on the 1st day of January, 1971.

Short title

33. This Act may be cited as *The Registry Amendment Act, 1970*.

An Act to amend The Registry Act

1st Reading

May 20th, 1970

2nd Reading

June 2nd, 1970

3rd Reading

June 26th, 1970

MR. WISHART

BILL 91

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Mechanics' Lien Act, 1968-69

Mr. WISHART



EXPLANATORY NOTE

The purpose of this Bill is to clarify the intent of the Act by using more appropriate phraseology in connection with judicial proceedings under the Act.

There is no change in the principles involved.

BILL 91

1970

An Act to amend The Mechanics' Lien Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 22 of *The Mechanics' Lien Act*, 1968-69, 1968-69, c. 65, s. 22, subs. 3, amended is amended by striking out "an officer having jurisdiction to try the action" in the third and fourth lines and inserting in lieu thereof "in the County of York, the master", so that the subsection shall read as follows:

- (3) Where a certificate of action has been registered ^{Vacating orders} for two years or more in the registry office and no appointment has been taken out for the trial of the action, the judge or, in the County of York, the master, may, upon the application *ex parte* of any interested person, make an order vacating the certificate of action and discharging all liens depending thereon.

2.—(1) Subsection 2 of section 25 of *The Mechanics' Lien Act*, 1968-69, 1968-69, c. 65, s. 25, subs. 2, amended is amended by striking out "officer having jurisdiction to try the action" in the first and second lines and inserting in lieu thereof "in the County of York, the master", so that the subsection, exclusive of the clauses, shall read as follows:

- (2) Upon application, the judge or, in the County of York, the master, may, at any time, ^{Security or payment into court and vacating lien and certificate of action}
-

(2) Subsection 6 of the said section 25 is amended by striking out "officer" in the third line and inserting in lieu thereof "in the County of York, the master", so that the subsection shall read as follows: 1968-69, c. 65, s. 25, subs. 6, amended

- (6) Where money has been paid into court or a bond deposited in court pursuant to an order under subsection 2, the judge or, in the County of York, the ^{Payment of money out of court}

master, may, upon such notice to the parties as he may require, order the money to be paid out to the persons entitled thereto or the delivery up of the bond for cancellation, as the case may be.

1968-69,
c. 65, s. 28,
subs. 3,
re-enacted

3. Subsection 3 of section 28 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Production
of contract
or agreement

- (3) The judge or, in the County of York, the master, may, on a summary application at any time before or after an action is commenced for the enforcement of the claim for lien, make an order requiring the owner or his agent or the mortgagee or his agent or the unpaid vendor or his agent or the contractor or his agent or the subcontractor or his agent, as the case may be, to produce and permit any lien claimant to inspect any such contract or agreement or mortgage or agreement for sale or the accounts or any other relevant document upon such terms as to costs as the judge or master deems just.

1968-69,
c. 65, s. 34,
subss. 1-3,
re-enacted

4.—(1) Subsections 1, 2 and 3 of section 34 of *The Mechanics' Lien Act, 1968-69* are repealed and the following substituted therefor:

Power to
appoint a
receiver of
rents and
profits

- (1) At any time after the delivery of the statement of claim, the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court, may, on the application of any lien claimant, mortgagee or other person interested, appoint a receiver of the rents and profits of the property against which the claim for lien is registered, upon such terms and upon the giving of such security or without security as the judge deems just.

Power to
direct
sale and
appoint
trustee

- (2) Any lien claimant, mortgagee or other person interested may make an application to the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court, at any time before or after judgment, who may hear *viva voce* or affidavit evidence or both and appoint, upon such terms and upon the giving of such security or without security as the judge deems just, a trustee or trustees with power to manage, mortgage, lease and sell, or manage, mortgage, lease or sell, the property against which the claim for lien is registered, and the exercise of such powers shall be under the supervision and direction of the court, and with power, when so directed by the court, to complete or partially complete the property, and, in the event

that mortgage moneys are advanced to the trustee or trustees as the result of any of the powers conferred upon him or them under this subsection, such moneys take priority over every claim of lien existing as of the date of the appointment.

- (3) Any property directed to be sold under subsection 2 ^{Property offered for sale} may be offered for sale subject to any mortgage or other charge or encumbrance if the judge so directs.

(2) Subsection 5 of the said section 34 is amended by striking out "or officer" in the first line, so that the subsection shall read as follows: ^{1968-69, c. 65, s. 34, subs. 5, amended}

- (5) The judge shall make all necessary orders for the completion of any mortgage, lease or sale authorized ^{Orders for completion of sale} to be made under subsection 2.

5. Section 35 of *The Mechanics' Lien Act, 1968-69* is ^{1968-69, c. 65, s. 35, re-enacted} repealed and the following substituted therefor:

35. At any time after delivery of the statement of claim and before judgment, or after judgment and pending the hearing and determination of any appeal, any lien claimant, mortgagee or other interested person may make an application to the judge having jurisdiction to try the action or who tried the action, as the case may be, or, in the County of York, a judge of the Supreme Court, who may hear *viva voce* or affidavit evidence or both and make an order for the preservation of any property pending the determination of the action and any appeal. ^{Order for preservation of property}

6. Subsection 10 of section 38 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor: ^{1968-69, c. 65, s. 38, subs. 10, re-enacted}

- (10) Any party to an action under this Act or any other interested person may at any time and from time to time apply to the judge having jurisdiction to try the action or, in the County of York, the master, for directions as to pleadings, discovery, production or any other matter relating to the action or reference, including the cross-examination of a lien claimant or his agent or assignee on his affidavit verifying the claim. ^{Applications for directions}

7. Subsection 1 of section 43 of *The Mechanics' Lien Act, 1968-69* is amended by inserting after "judgment" in the first line "or report made on a reference for trial" and by ^{1968-69, c. 65, s. 43, subs. 1, amended}

inserting after “judgment” in the third line “or report”, so that the subsection shall read as follows:

Appeal

- (1) Except where the amount of a judgment or report made on a reference for trial in respect of a claim or counterclaim is \$200 or less, an appeal lies from any judgment or report under this Act to the Court of Appeal.

1968-69,
c. 65, s. 46,
subs. 2,
re-enacted

8. Subsection 2 of section 46 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Inter-
locutory
proceedings

- (2) Except where otherwise provided by this Act, no interlocutory proceedings shall be permitted without the consent of the judge having jurisdiction to try the action or, in the County of York, the master, and then only upon proper proof that such proceedings are necessary.

1968-69,
c. 65, s. 47,
re-enacted

9. Section 47 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Service of
documents

47. Except where otherwise directed by the judge having jurisdiction to try the action or, in the County of York, the master, all documents relating to an action under this Act, other than statements of claim and notices of trial, are sufficiently served upon the intended recipient if sent by registered mail addressed to the intended recipient at his address for service.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Mechanics' Lien Amendment Act, 1970*.

BILL 91

An Act to amend
The Mechanics' Lien Act, 1968-69

1st Reading

May 20th, 1970

2nd Reading

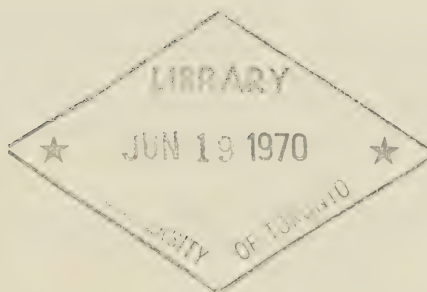
3rd Reading

MR. WISHART

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Mechanics' Lien Act, 1968-69

MR. WISHART



BILL 91

1970

An Act to amend The Mechanics' Lien Act, 1968-69

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 3 of section 22 of *The Mechanics' Lien Act*, 1968-69, c. 65, s. 22, subs. 3, amended 1968-69, c. 65, s. 22, subs. 3, amended is amended by striking out "an officer having jurisdiction to try the action" in the third and fourth lines and inserting in lieu thereof "in the County of York, the master", so that the subsection shall read as follows:

- (3) Where a certificate of action has been registered Vacating
orders
for two years or more in the registry office and no appointment has been taken out for the trial of the action, the judge or, in the County of York, the master, may, upon the application *ex parte* of any interested person, make an order vacating the certificate of action and discharging all liens depending thereon.

2.—(1) Subsection 2 of section 25 of *The Mechanics' Lien Act*, 1968-69 is amended by striking out "officer having jurisdiction to try the action" in the first and second lines and inserting in lieu thereof "in the County of York, the master", so that the subsection, exclusive of the clauses, shall read as follows:

- (2) Upon application, the judge or, in the County of York, the master, may, at any time, Security
or payment
into court
and vacating
lien and
certificate
of action

(2) Subsection 6 of the said section 25 is amended by striking out "officer" in the third line and inserting in lieu thereof "in the County of York, the master", so that the subsection shall read as follows:

- (6) Where money has been paid into court or a bond deposited in court pursuant to an order under subsection 2, the judge or, in the County of York, the Payment of
money out
of court

master, may, upon such notice to the parties as he may require, order the money to be paid out to the persons entitled thereto or the delivery up of the bond for cancellation, as the case may be.

1968-69,
c. 65, s. 28,
subs. 3,
re-enacted

3. Subsection 3 of section 28 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Production
of contract
or agreement

- (3) The judge or, in the County of York, the master, may, on a summary application at any time before or after an action is commenced for the enforcement of the claim for lien, make an order requiring the owner or his agent or the mortgagee or his agent or the unpaid vendor or his agent or the contractor or his agent or the subcontractor or his agent, as the case may be, to produce and permit any lien claimant to inspect any such contract or agreement or mortgage or agreement for sale or the accounts or any other relevant document upon such terms as to costs as the judge or master deems just.

1968-69,
c. 65, s. 34,
subss. 1-3,
re-enacted

4.—(1) Subsections 1, 2 and 3 of section 34 of *The Mechanics' Lien Act, 1968-69* are repealed and the following substituted therefor:

Power to
appoint a
receiver of
rents and
profits

- (1) At any time after the delivery of the statement of claim, the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court, may, on the application of any lien claimant, mortgagee or other person interested, appoint a receiver of the rents and profits of the property against which the claim for lien is registered, upon such terms and upon the giving of such security or without security as the judge deems just.

Power to
direct
sale and
appoint
trustee

- (2) Any lien claimant, mortgagee or other person interested may make an application to the judge having jurisdiction to try the action or, in the County of York, a judge of the Supreme Court, at any time before or after judgment, who may hear *viva voce* or affidavit evidence or both and appoint, upon such terms and upon the giving of such security or without security as the judge deems just, a trustee or trustees with power to manage, mortgage, lease and sell, or manage, mortgage, lease or sell, the property against which the claim for lien is registered, and the exercise of such powers shall be under the supervision and direction of the court, and with power, when so directed by the court, to complete or partially complete the property, and, in the event

that mortgage moneys are advanced to the trustee or trustees as the result of any of the powers conferred upon him or them under this subsection, such moneys take priority over every claim of lien existing as of the date of the appointment.

- (3) Any property directed to be sold under subsection 2 may be offered for sale subject to any mortgage or other charge or encumbrance if the judge so directs. Property offered for sale

(2) Subsection 5 of the said section 34 is amended by striking out "or officer" in the first line, so that the subsection shall read as follows: 1968-69, c. 65, s. 34, subs. 5, amended

- (5) The judge shall make all necessary orders for the completion of any mortgage, lease or sale authorized to be made under subsection 2. Orders for completion of sale

5. Section 35 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 65, s. 35, re-enacted

35. At any time after delivery of the statement of claim and before judgment, or after judgment and pending the hearing and determination of any appeal, any lien claimant, mortgagee or other interested person may make an application to the judge having jurisdiction to try the action or who tried the action, as the case may be, or, in the County of York, a judge of the Supreme Court, who may hear *viva voce* or affidavit evidence or both and make an order for the preservation of any property pending the determination of the action and any appeal. Order for preservation of property

6. Subsection 10 of section 38 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor: 1968-69, c. 65, s. 38, subs. 10, re-enacted

- (10) Any party to an action under this Act or any other interested person may at any time and from time to time apply to the judge having jurisdiction to try the action or, in the County of York, the master, for directions as to pleadings, discovery, production or any other matter relating to the action or reference, including the cross-examination of a lien claimant or his agent or assignee on his affidavit verifying the claim. Applications for directions

7. Subsection 1 of section 43 of *The Mechanics' Lien Act, 1968-69* is amended by inserting after "judgment" in the first line "or report made on a reference for trial" and by 1968-69, c. 65, s. 43, subs. 1, amended

inserting after "judgment" in the third line "or report", so that the subsection shall read as follows:

Appeal

- (1) Except where the amount of a judgment or report made on a reference for trial in respect of a claim or counterclaim is \$200 or less, an appeal lies from any judgment or report under this Act to the Court of Appeal.

1968-69,
c. 65, s. 46,
subs. 2,
re-enacted

8. Subsection 2 of section 46 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Inter-
locutory
proceedings

- (2) Except where otherwise provided by this Act, no interlocutory proceedings shall be permitted without the consent of the judge having jurisdiction to try the action or, in the County of York, the master, and then only upon proper proof that such proceedings are necessary.

1968-69,
c. 65, s. 47,
re-enacted

9. Section 47 of *The Mechanics' Lien Act, 1968-69* is repealed and the following substituted therefor:

Service of
documents

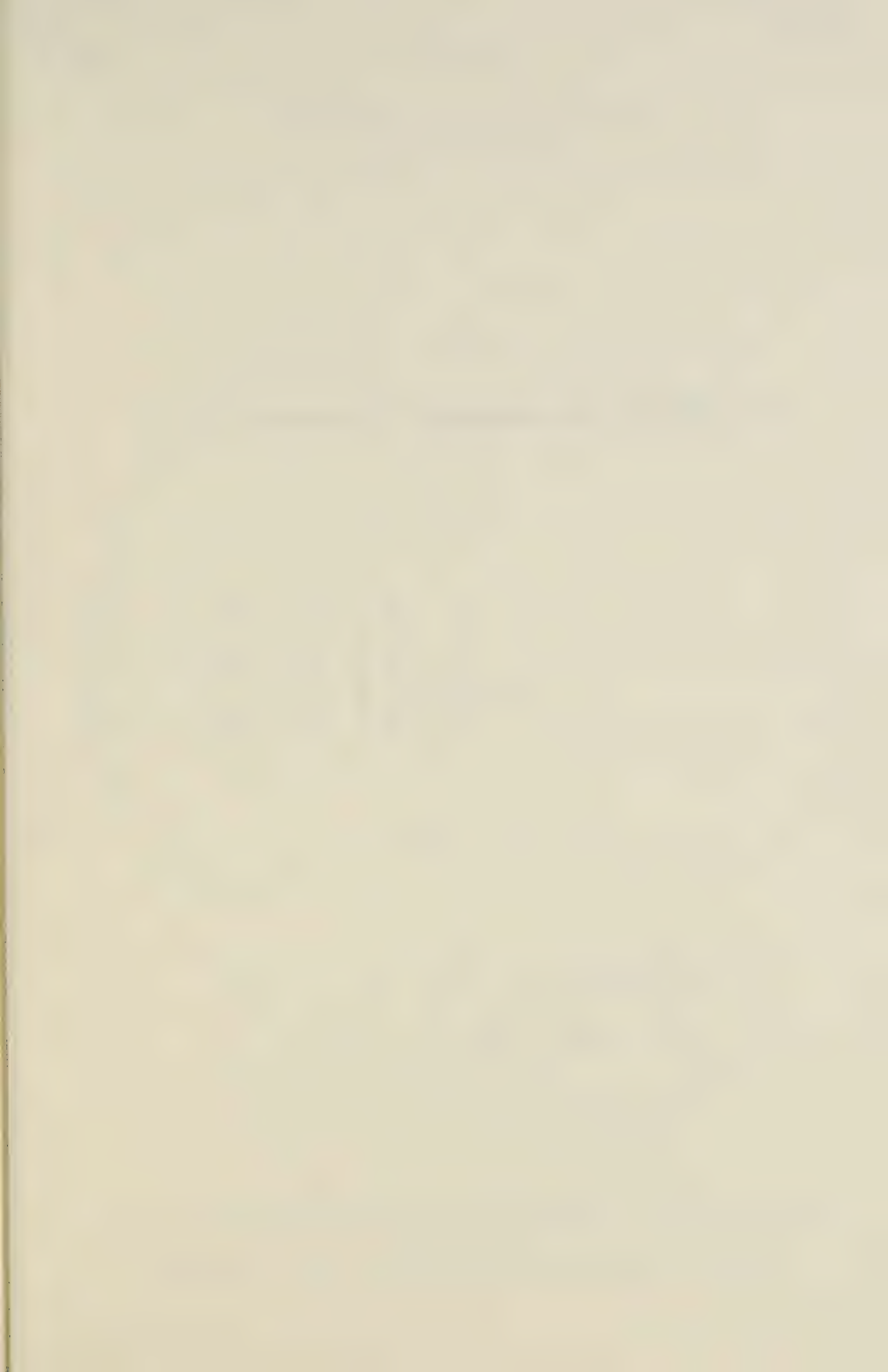
47. Except where otherwise directed by the judge having jurisdiction to try the action or, in the County of York, the master, all documents relating to an action under this Act, other than statements of claim and notices of trial, are sufficiently served upon the intended recipient if sent by registered mail addressed to the intended recipient at his address for service.

Commence-
ment

10. This Act comes into force on the day it receives Royal Assent.

Short title

11. This Act may be cited as *The Mechanics' Lien Amendment Act, 1970*.



An Act to amend
The Mechanics' Lien Act, 1968-69

1st Reading

May 20th, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

MR. WISHART

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Assignment of Book Debts Act

MR. WISHART



EXPLANATORY NOTES

The primary purpose of this Bill is to provide for requiring by regulation that when instruments are tendered for registration under the Act they be accompanied by a statement in a prescribed form, in order to make possible the assimilation of the necessary information into the central office of the registration system to be established under *The Personal Property Security Act, 1967*. Since the registration system will make use of automatic data processing equipment, information must be presented in a fixed format for ready conversion into machine-readable language.

Certain other transitional provisions are added to the Act.

SECTION 1. Self-explanatory.

SECTION 2. Complementary to section 5 of the Bill.

BILL 92

1970

An Act to amend The Assignment of Book Debts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Assignment of Book Debts Act* is amended by adding thereto the following clauses: R.S.O. 1960,
c. 24, s. 1,
amended

(ea) "prescribed form" means a form provided or approved under this Act by the registrar;

(ga) "registrar" means the registrar of personal property security appointed under *The Personal Property Security Act, 1967*. 1967, c. 73

2. Section 15 of *The Assignment of Book Debts Act* is amended by inserting after "assignment" in the sixth line "or in any prescribed form relating thereto", so that the section shall read as follows: R.S.O. 1960,
c. 24, s. 15,
amended

15. No defect or irregularity in the execution or attestation of an assignment or other document, and no defect, irregularity or omission in an affidavit accompanying an assignment or filed in connection with its registration, and no error of a clerical nature or in an immaterial or non-essential part of an assignment or in any prescribed form relating thereto, invalidates or destroys the effect of the assignment or the registration thereof, unless in the opinion of the court or judge before whom a question relating thereto is tried such defect, irregularity, omission or error has actually misled a person whose interests are affected by the assignment. Defects and
irregularities

R.S.O. 1960,
c. 24, s. 20
(1967, c. 5,
s. 2), cl. a,
amended

3.—(1) Clause *a* of section 20 of *The Assignment of Book Debts Act*, as enacted by section 2 of *The Assignment of Book Debts Amendment and Repeal Act, 1967*, is amended by striking out “full”, so that the clause shall read as follows:

(a) the name and address of the assignor.

R.S.O. 1960,
c. 24, s. 20
(1967, c. 5,
s. 2), cl. b,
amended

(2) Clause *b* of the said section 20 is amended by striking out “full”, so that the clause shall read as follows:

(b) the name and address of the assignee.

Names and
addresses
not set forth
in full, etc.

(3) An assignment registered on or after the 1st day of January, 1968, and before the day this section comes into force, is not invalidated nor is its effect destroyed by reason only of a failure to set out therein in full the name and address of the assignor or assignee unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the assignment, and in such case the judge or court may make such order as the judge or court considers appropriate.

R.S.O. 1960,
c. 24, s. 21
(1967, c. 5,
s. 2), subs. 1,
amended

4. Subsection 1 of section 21 of *The Assignment of Book Debts Act*, as enacted by section 2 of *The Assignment of Book Debts Amendment and Repeal Act, 1967*, is amended by striking out “containing the particulars mentioned in section 20” in the fifth and sixth lines, so that the subsection shall read as follows:

Expiry of
existing
registrations

(1) Every registration made under this Act before the 1st day of January, 1968, expires on the anniversary date of the original registration next after the 1st day of January, 1971, unless a renewal statement in the prescribed form is registered before such anniversary date.

R.S.O. 1960,
c. 24,
amended

5. *The Assignment of Book Debts Act* is amended by adding thereto the following sections:

When instru-
ments
tendered for
registration
to be accom-
panied by
statement

22. Where required by the regulations made under this Act, an assignment, certificate of discharge or other instrument shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth on the prescribed form the information prescribed by the regulations made under this Act.

Regulations

23. The Lieutenant Governor in Council may make regulations,

SECTION 3—Subsections 1 and 2. The amendments remove the requirement that the name and address of the assignor and of the assignee be set forth in full in an assignment of book debts.

Subsection 3. This is a saving provision; it is complementary to subsections 1 and 2.

SECTION 4. Complementary to section 3 of the Bill.

SECTION 5. The sections added provide for requiring by regulation that when instruments are registered they be accompanied by a statement in such form as the regulations may prescribe; ancillary regulation-making powers are conferred.

- (a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;
- (b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information, and for requiring that the forms of statements to be used shall be those provided or approved by the registrar;
- (c) prescribing the form of renewal statements;
- (d) defining any expression used in the regulations;
- (e) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a form of statement prescribed under this Act; ^{R.S.O. 1960, c. 191}
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

6. This Act comes into force on the day it receives Royal ^{Commence-}Assent.
ment

7. This Act may be cited as *The Assignment of Book Debts* ^{Short title}
Amendment Act, 1970.

An Act to amend
The Assignment of Book Debts Act

1st Reading

May 20th, 1970

2nd Reading

3rd Reading

MR. WISHART

BILL 92

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Assignment of Book Debts Act

MR. WISHART

BILL 92

1970

An Act to amend The Assignment of Book Debts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 1 of *The Assignment of Book Debts Act* is amended by adding thereto the following clauses: R.S.O. 1960,
c. 24, s. 1,
amended

(ea) "prescribed form" means a form provided or approved under this Act by the registrar;

.

(ga) "registrar" means the registrar of personal property security appointed under *The Personal Property Security Act, 1967*. 1967, c. 73

2. Section 15 of *The Assignment of Book Debts Act* is amended by inserting after "assignment" in the sixth line "or in any prescribed form relating thereto", so that the section shall read as follows: R.S.O. 1960,
c. 24, s. 15,
amended

15. No defect or irregularity in the execution or attestation of an assignment or other document, and no defect, irregularity or omission in an affidavit accompanying an assignment or filed in connection with its registration, and no error of a clerical nature or in an immaterial or non-essential part of an assignment or in any prescribed form relating thereto, invalidates or destroys the effect of the assignment or the registration thereof, unless in the opinion of the court or judge before whom a question relating thereto is tried such defect, irregularity, omission or error has actually misled a person whose interests are affected by the assignment. Defects and
irregularities

R.S.O. 1960,
c. 24, s. 20
(1967, c. 5,
s. 2), cl. a,
amended

3.—(1) Clause *a* of section 20 of *The Assignment of Book Debts Act*, as enacted by section 2 of *The Assignment of Book Debts Amendment and Repeal Act, 1967*, is amended by striking out “full”, so that the clause shall read as follows:

(a) the name and address of the assignor.

R.S.O. 1960,
c. 24, s. 20
(1967, c. 5,
s. 2), cl. b,
amended

(2) Clause *b* of the said section 20 is amended by striking out “full”, so that the clause shall read as follows:

(b) the name and address of the assignee.

Names and
addresses
not set forth
in full, etc.

(3) An assignment registered on or after the 1st day of January, 1968, and before the day this section comes into force, is not invalidated nor is its effect destroyed by reason only of a failure to set out therein in full the name and address of the assignor or assignee unless in the opinion of a judge or court such failure is shown to have actually misled some person whose interests are affected by the assignment, and in such case the judge or court may make such order as the judge or court considers appropriate.

R.S.O. 1960,
c. 24, s. 21
(1967, c. 5,
s. 2), subs. 1,
amended

4. Subsection 1 of section 21 of *The Assignment of Book Debts Act*, as enacted by section 2 of *The Assignment of Book Debts Amendment and Repeal Act, 1967*, is amended by striking out “containing the particulars mentioned in section 20” in the fifth and sixth lines, so that the subsection shall read as follows:

Expiry of
existing
registrations

(1) Every registration made under this Act before the 1st day of January, 1968, expires on the anniversary date of the original registration next after the 1st day of January, 1971, unless a renewal statement in the prescribed form is registered before such anniversary date.

R.S.O. 1960,
c. 24,
amended

5. *The Assignment of Book Debts Act* is amended by adding thereto the following sections:

When instru-
ments
tendered for
registration
to be accom-
panied by
statement

22. Where required by the regulations made under this Act, an assignment, certificate of discharge or other instrument shall, when tendered for registration as provided by this Act, be accompanied by a statement that sets forth on the prescribed form the information prescribed by the regulations made under this Act.

Regulations

23. The Lieutenant Governor in Council may make regulations,

- (a) prescribing additional duties of the clerks of the county and district courts in connection with the registration of documents under this Act;
- (b) requiring or permitting a statement to accompany any instrument tendered for registration under this Act, prescribing the information to be contained in such statement and the manner of recording such information, and for requiring that the forms of statements to be used shall be those provided or approved by the registrar;
- (c) prescribing the form of renewal statements;
- (d) defining any expression used in the regulations;
- (e) providing that clause *d* of section 27 of *The Interpretation Act* does not apply to a form of statement prescribed under this Act; ^{R.S.O. 1960, c. 191}
- (f) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act.

6. This Act comes into force on the day it receives Royal Assent. <sup>Commence-
ment</sup>

7. This Act may be cited as *The Assignment of Book Debts Amendment Act, 1970*. ^{Short title}

An Act to amend
The Assignment of Book Debts Act

1st Reading

May 20th, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

Mr. WISHART

BILL 93

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Ontario Heritage Foundation Act, 1967

MR. AULD



EXPLANATORY NOTE

The purpose of the amendment is to ensure that The Ontario Heritage Foundation has the status of a Crown agency.

BILL 93

1970

**An Act to amend
The Ontario Heritage Foundation Act, 1967**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Heritage Foundation Act, 1967* is amended <sup>1967, c. 65,
amended</sup> by adding thereto the following section:

6a.—(1) The Foundation is, for all purposes of this Act, <sup>Crown
agency</sup> an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

(2) Property acquired by the Foundation is the property ^{Property} of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Foundation.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Ontario Heritage Found-^{Short title}
ation Amendment Act, 1970.*

An Act to amend
The Ontario Heritage Foundation Act, 1967

1st Reading

May 21st, 1970

2nd Reading

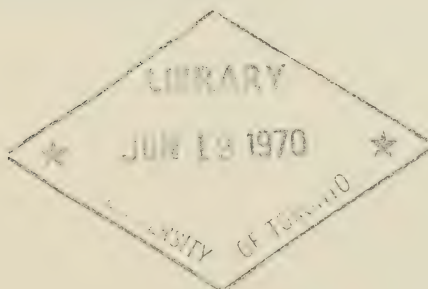
3rd Reading

Mr. AULD

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Ontario Heritage Foundation Act, 1967

MR. AULD



BILL 93

1970

**An Act to amend
The Ontario Heritage Foundation Act, 1967**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. *The Ontario Heritage Foundation Act, 1967* is amended <sup>1967, c. 65,
amended</sup> by adding thereto the following section:

6a.—(1) The Foundation is, for all purposes of this Act, <sup>Crown
agency</sup> an agent of Her Majesty, and its powers under this Act may be exercised only as an agent of Her Majesty.

(2) Property acquired by the Foundation is the property ^{Property} of Her Majesty and title thereto may be vested in the name of Her Majesty or in the name of the Foundation.

2. This Act comes into force on the day it receives Royal <sup>Commence-
ment</sup> Assent.

3. This Act may be cited as *The Ontario Heritage Found-^{Short title}
ation Amendment Act, 1970.*

An Act to amend
The Ontario Heritage Foundation Act, 1967

1st Reading

May 21st, 1970

2nd Reading

May 26th, 1970

3rd Reading

May 27th, 1970

MR. AULD

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BILL 94

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

The Waste Management Act, 1970

MR. KERR



TORONTO
PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTES

The purpose of the Bill is to provide for control and regulation of the use of waste disposal sites and the operation of waste management systems.

The principal provisions of the Bill include the following:

1. Authority to control existing waste disposal sites and waste management systems.
2. A prohibition against establishing, altering, enlarging or extending a waste management system or a waste disposal site unless a certificate of approval or provisional certificate of approval therefor has been issued.
3. Establishment of a Waste Management Advisory Board to hold hearings and to report with its recommendations to the Minister.
4. Authority in the Minister, after a hearing by the Waste Management Advisory Board, to refuse to issue or renew or to suspend or revoke a certificate of approval or provisional certificate of approval and to make certain orders.
5. Establishment of a Waste Management Appeal Board to hear appeals provided for in the Act.
6. Provision for compensation in certain cases.

The Waste Management Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Advisory Board" means the Waste Management Advisory Board;
- (b) "Appeal Board" means the Waste Management Appeal Board;
- (c) "Department" means the Department of Energy and Resources Management;
- (d) "Director" means the Director of the Waste Management Branch of the Department of Energy and Resources Management;
- (e) "inspector" means a person employed or appointed to assist in the administration of this Act;
- (f) "medical officer of health" means a medical officer of health appointed under *The Public Health Act*; R.S.O. 1960,
c. 321
- (g) "Minister" means the Minister of Energy and Resources Management;
- (h) "municipality" includes a metropolitan municipality, a regional municipality and a district municipality;
- (i) "operator" means the person in occupation or having the charge, management, or control of a waste management system or a waste disposal site;
- (j) "owner" means a person or municipality that owns or is responsible for the establishment or direction of a waste management system or a waste disposal site;

- (k) "regulations" means the regulations made under this Act;
- (l) "waste" includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other wastes as are designated in the regulations;
- (m) "waste disposal site" means any land or land covered by water upon which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste;
- (n) "waste management system" means all facilities, equipment and operations for the complete management of waste, including the collection, handling, transportation, storage, processing and disposal thereof, and may include one or more waste disposal sites.

Application
of Act

2. This Act does not apply to the storage or disposal by any person of his domestic wastes on his own property unless in the opinion of the Minister such storage or disposal may create a nuisance.

Authority of
Minister

3. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

- (a) investigate waste management problems;
- (b) conduct research in the field of waste management;
- (c) establish and operate demonstration and other waste disposal sites;
- (d) publish and disseminate information on waste management;
- (e) make grants for research, for training persons in the field of waste management, or for the development of waste management facilities, in such amounts and upon such terms and conditions as the regulations may prescribe;
- (f) appoint committees to perform such advisory functions as the Minister considers desirable.

Authoriza-
tion by
Minister

4. The Minister may authorize any officer or officers of the Department to exercise any of the powers conferred and perform any of the duties imposed upon him under this Act and the regulations.

5.—(1) The Minister may designate officers of the Department or other persons as inspectors for the purposes of this Act and the regulations. ^{Inspectors}

(2) A medical officer of health shall be deemed to be *ex officio* an inspector under this Act. ^{Idem}

6. An inspector may enter in or upon any land or premises, other than a dwelling, at any reasonable time and make or require to be made such examinations, tests, or inquiries as may be necessary or advisable for the purposes of this Act and the regulations. ^{Powers of inspector}

7. Every operator and every owner shall furnish such information as an inspector requires for the purposes of this Act and the regulations. ^{Information to be furnished}

8. No person shall hinder or obstruct any inspector in the performance of his duties or furnish any inspector with false information or refuse to furnish him with information. ^{Obstruction of inspector}

9.—(1) A board to be known as the Waste Management Advisory Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, of whom none shall be members of the public service in the employ of the Department of Energy and Resources Management or members of the Appeal Board, and who shall, subject to subsection 2, hold office during pleasure. ^{Waste Management Advisory Board established}

(2) No member of the Advisory Board shall hold office for more than five consecutive years. ^{Term of office}

(3) The Lieutenant Governor in Council may appoint one of the members of the Advisory Board as chairman and another of the members as vice-chairman. ^{Chairman and vice-chairman}

(4) Three members of the Advisory Board constitute a quorum. ^{Quorum}

(5) The members of the Advisory Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. ^{Remuneration}

10.—(1) A board to be known as the Waste Management Appeal Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, of whom none shall be members of the public service in the employ of the Department of Energy and Resources Management or members of the Advisory Board, and who shall, subject to subsection 2, hold office during pleasure. ^{Waste Management Appeal Board established}

Term of office	(2) No member of the Appeal Board shall hold office for more than five consecutive years.
Chairman and vice-chairman	(3) The Lieutenant Governor in Council may appoint one of the members of the Appeal Board as chairman and another of the members as vice-chairman.
Quorum	(4) Three members of the Appeal Board constitute a quorum.
Remuneration	(5) The members of the Appeal Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.
Certificate of approval, etc.	<p>11. No waste management system that is in operation or waste disposal site that is in use when this Act comes into force shall be operated or used,</p> <ul style="list-style-type: none"> (a) for more than six months after this Act comes into force unless the owner has made application for a certificate of approval; (b) after a certificate of approval has been refused; or (c) where a certificate of approval or provisional certificate of approval has been issued, except in accordance with the terms and conditions of such certificate.
New systems and sites and extensions, etc.	<p>12. No person or municipality shall establish, alter, enlarge or extend,</p> <ul style="list-style-type: none"> (a) a waste management system; or (b) a waste disposal site, <p>unless a certificate of approval or provisional certificate of approval therefor has been issued by the Minister.</p>
No money by-law without certificate	13. No by-law for raising money to finance any work under section 11 shall be passed by the council of a municipality until a certificate of approval or a provisional certificate of approval has been issued therefor.
Municipal responsibility	14. Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent

of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified.

15. No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has, Condition precedent to issue of certificate

- (a) deposited a sum of money; or
- (b) furnished a surety bond; or
- (c) furnished personal sureties,

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste management system or the waste disposal site or the removal of waste from the site if the Minister considers such removal necessary.

16. No certificate of approval for a waste disposal site shall be issued to an applicant other than a municipality unless the applicant has furnished a certificate from the municipality in which the waste disposal site is situated that the waste disposal site does not contravene any of the by-laws of the municipality. Certificate of municipality required

17. The deposit mentioned in clause *a* of section 15 may be returned to the depositor upon such terms and conditions as the regulations prescribe. Return of deposit

18. An applicant for a certificate of approval for a waste management system or waste disposal site that it is proposed to establish, alter, enlarge or extend shall publish notice of his application in a newspaper having general circulation in the locality where the system or site is or is to be located, once a week for three successive weeks, and no certificate of approval shall be issued until the expiration of three weeks from the date of the last publication. Publication of notice of application

19. An applicant for a certificate of approval shall submit to the Director plans and specifications of the work to be undertaken together with such other information as the Director may require. Information to be furnished

20.—(1) The Director, after considering an application for a certificate of approval, may recommend to the Minister that a certificate of approval or provisional certificate of approval be issued. Recommendation by Director

Idem

(2) The Director may recommend to the Minister that the issue or renewal of a certificate of approval or a provisional certificate of approval be refused, or that a certificate of approval or a provisional certificate of approval previously issued be suspended or revoked, where,

- (a) the application does not comply with this Act and the regulations;
- (b) the waste management system or the waste disposal site does not comply with this Act and the regulations; or
- (c) the operation of the waste management system or the waste disposal site may create a nuisance or is not in the public interest or, in the opinion of the medical officer of health, may result in a hazard to public health.

Prohibition as to deposit of waste

21. Subject to section 11, no person or municipality shall deposit waste upon any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Prohibition as to use of facilities, etc.

22. Subject to section 11, no person or municipality shall use any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Order for removal of waste

23.—(1) Where the Director reports that waste has been deposited upon any land or land covered by water or in any building that has not been approved as a waste disposal site, the Minister may, subject to sections 11 and 26, order the occupant or the person having charge and control of such land or building to remove the waste and to restore the site to a condition satisfactory to the Minister.

Action upon failure to comply with order

(2) Where a person to whom an order is directed under subsection 1 fails to comply with the order, the Minister may cause the necessary work to be done and charge such person with the cost thereof, which may be recovered with costs in any court of competent jurisdiction.

Order by Minister

24. Where the Director reports to the Minister that a waste management system or a waste disposal site is not in conformity with this Act or the regulations, the Minister may,

subject to section 26, order the owner to take such action as he may require to bring the system or the site into conformity with this Act or the regulations within the time specified in the order.

25. Where an owner fails to comply with an order under section 24, the Minister may cause the necessary work to be done and charge the owner with the cost thereof which, in the case of an owner other than a municipality, may be deducted from the deposit mentioned in section 15, or may be recovered with costs in any court of competent jurisdiction.

Action upon
non-
compliance
with order

26.—(1) Where the Minister,

(a) intends to refuse to issue or renew or suspend or revoke a certificate of approval or provisional certificate of approval; or

Where
Minister
intends to
make order,
etc.

(b) intends to make an order under section 23 or 24,

he shall cause the Director to give notice of his intention, together with the reasons therefor, and a notice stating the right to a hearing before the Advisory Board, to the owner or the person to whom the order would be directed, as the case may be, and the owner or such person may by written notice given to the Director and the Advisory Board within fifteen days after receipt of notice from the Director, receive a hearing by the Advisory Board.

(2) The chairman of the Advisory Board shall fix a time, date and place for the hearing and shall serve notice on the parties at least ten days before the day fixed.

Notice of
hearing

(3) The notice of hearing shall contain,

Contents of
notice

(a) a statement of the time, date and place of the hearing;

(b) a reference to the rules of procedure applicable to the hearing; and

(c) a statement that, if a party who has been duly notified does not attend at the hearing, the Advisory Board may proceed in his absence and he is not entitled to notice of any further proceedings.

(4) The Director, any person who receives a notice from the Director under subsection 1, and any other person specified by the Advisory Board, are parties to the hearing.

Parties

Failure to
attend

27.—(1) If a person who has been duly notified of a hearing does not attend, the Advisory Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Adjournment

(2) A hearing may be adjourned from time to time by the Advisory Board on reasonable grounds,

(a) on its own motion; or

(b) on the motion of any party to the hearing.

Subpoena

(3) The Advisory Board may command the attendance before it of any person as a witness.

Oaths and
affirmations

(4) The Advisory Board may require any person,

(a) to give evidence on oath or affirmation at a hearing; and

(b) to produce such documents and things as the Advisory Board requires.

Idem

(5) The Advisory Board may admit evidence not given on oath or by affirmation.

Evidence

28.—(1) At a hearing before the Advisory Board,

(a) except where otherwise provided in this subsection, the common law and statutory rules of evidence apply;

(b) evidence not admissible under clause *a* may be admitted by the Advisory Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and

(c) the Advisory Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

Release of
exhibits

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Advisory Board within a reasonable time after the matter in issue has been finally determined.

Offence

29.—(1) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Advisory Board, makes default in attending; or

- (b) being in attendance as a witness before the Advisory Board, refuses to take an oath legally required by the Advisory Board to be taken, or to produce any documents or things in his power or control legally required by the Advisory Board to be produced by him, or to answer any question to which the Advisory Board may legally require an answer; or
- (c) does any other thing that would, if the Advisory Board had been a court of law having power to commit for contempt have been contempt of that court,

is guilty of an offence.

(2) The Advisory Board may certify an offence under sub-^{Enforcement} section 1 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of that court.

30.—(1) Any party may be represented before the Advisory Board by counsel or agent.^{Right of party to counsel}

(2) Any witness may be represented before the Advisory Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.^{Right of witness to counsel}

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.^{Exclusion of counsel or agent}

31.—(1) Any party who is present at a hearing before the Advisory Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.^{Rights of parties}

(2) All hearings shall be open to the public except where the Advisory Board finds that,^{Hearings to be open to public, exceptions}

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person or any secret manufacturing or trade process may be disclosed,

in which case the Advisory Board shall hold the hearing as to any such matters *in camera*.

Idem

(3) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 2, the Advisory Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

Recommendations to Minister by Board

32.—(1) The Advisory Board shall, after the hearing, submit to the Minister in writing its recommendations, including the reasons therefor, and shall furnish the Minister with a copy of the evidence submitted at the hearing.

Reasons for recommendations

(2) The reasons for the Advisory Board's recommendations shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) any conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of recommendations

(3) The Advisory Board shall serve each party with a copy of its recommendations together with the reasons therefor.

Powers of Minister

33.—(1) Upon receipt of the recommendations of the Advisory Board, the Minister may issue or renew, or refuse to issue or renew, or suspend or revoke a certificate of approval, or a conditional certificate of approval, or may make such order under section 23 or 24, as the case may be, as he considers necessary.

Notice of decision

(2) A notice of the decision of the Minister and a notice stating the right, if any, to apply for compensation under section 34 shall be served on each party either personally or by registered mail addressed to the party at his last known address.

Right to compensation

34.—(1) Within thirty days after the receipt of notice of the decision that the Minister has refused to renew or has suspended or revoked a certificate of approval, any owner who has suffered pecuniary loss as a result of such decision affecting his waste disposal site or waste management system may apply to the Minister for compensation for such loss where such owner,

- (a) has received a certificate of approval for the waste disposal site or waste management system affected by the Minister's decision; and
- (b) since receiving such certificate of approval, has strictly complied with this Act and the regulations.

(2) A notice of the decision of the Minister in disposing of the application and a notice stating the right to an appeal under this section shall be served on the owner either personally or by registered mail addressed to the owner at his last known address. Notice of decision and right to appeal

(3) Within fifteen days after receipt of the notices referred to in subsection 2, the owner may appeal the amount of compensation, if any, to the Appeal Board, and such appeal shall be a hearing *de novo* and the Appeal Board may dismiss the appeal or alter the decision of the Minister establishing the amount of the compensation, if any, and the decision of the Appeal Board shall be final. Right to appeal

(4) Subsections 2, 3 and 4 of section 26 and sections 27, 28, 29, 30 and 31 apply *mutatis mutandis* to a hearing before the Appeal Board. Application of certain sections

(5) The Appeal Board shall, after the hearing, submit to the Minister and the appellant its decision in writing and shall furnish the Minister with a copy of the evidence submitted at the hearing. Decision of Appeal Board

(6) The reasons for the Appeal Board's decision shall contain, Reasons for decision

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) any conclusions of law based on the findings mentioned in clauses *a* and *b*.

(7) The Appeal Board shall serve each party with a copy of its decision together with the reasons therefor. Copy of decision to be served

(8) After receipt of the decision of the Appeal Board, the Minister shall do what is necessary to give effect thereto. Minister to take necessary action

35. No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given. Former disposal sites

36. Every person or municipality that contravenes any provision of this Act or the regulations or fails to comply with an order made under section 23 or 24 is guilty of an Offences

offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$2,000 for every day or part thereof upon which such offence occurs or continues.

Regulations

37. The Lieutenant Governor in Council may make regulations,

- (a) designating wastes in addition to those specified in clause *l* of section 1, and exempting any wastes from this Act and the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (b) classifying waste management systems and waste disposal sites, and exempting any class thereof from this Act or the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (c) providing for the issue of certificates of approval and provisional certificates of approval for waste management systems or waste disposal sites, or any class thereof, prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto;
- (d) governing and regulating the management of waste and prescribing standards for waste management systems and for the location, maintenance and operation of waste disposal sites, or any class thereof;
- (e) governing the location of waste disposal sites and designating parts of Ontario in which no waste disposal sites, or any class thereof, shall be established or operated;
- (f) prescribing the amounts and conditions of deposits and bonds and securities for the purpose of section 15, and prescribing the terms and conditions upon which deposits may be returned under section 17;
- (g) prescribing the records that shall be kept by operators of waste management systems and waste disposal sites and the reports that shall be made by such operators;
- (h) prescribing the amounts and terms and conditions of grants payable to universities and other organizations under clause *e* of section 3;

- (i) prescribing the form of application and the procedure to be followed in applying for any compensation under this Act;
- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act or the regulations.

38. This Act comes into force on the 1st day of September, ^{Commence-}_{ment} 1970.

39. This Act may be cited as *The Waste Management* ^{Short title}
Act, 1970.

BILL 94

The Waste Management Act, 1970

1st Reading

May 21st, 1970

2nd Reading

3rd Reading

MR. KERR

1970

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Government
Publications

BILL 94

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970



The Waste Management Act, 1970

MR. KERR

(Reprinted as amended by the Committee of the Whole House)

EXPLANATORY NOTES

The purpose of the Bill is to provide for control and regulation of the use of waste disposal sites and the operation of waste management systems.

The principal provisions of the Bill include the following:

1. Authority to control existing waste disposal sites and waste management systems.
2. A prohibition against establishing, altering, enlarging or extending a waste management system or a waste disposal site unless a certificate of approval or provisional certificate of approval therefor has been issued.
3. Establishment of a Waste Management Advisory Board to hold hearings and to report with its recommendations to the Minister.
4. Authority in the Minister, after a hearing by the Waste Management Advisory Board, to refuse to issue or renew or to suspend or revoke a certificate of approval or provisional certificate of approval and to make certain orders.
5. Establishment of a Waste Management Appeal Board to hear appeals provided for in the Act.
6. Provision for compensation in certain cases.

BILL 94

1970

The Waste Management Act, 1970

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpre-
tation

- (a) "Advisory Board" means the Waste Management Advisory Board;
- (b) "Appeal Board" means the Waste Management Appeal Board;
- (c) "Department" means the Department of Energy and Resources Management;
- (d) "Director" means the Director of the Waste Management Branch of the Department of Energy and Resources Management;
- (e) "inspector" means a person employed or appointed to assist in the administration of this Act;
- (f) "medical officer of health" means a medical officer of health appointed under *The Public Health Act*; R.S.O. 1960,
c. 321
- (g) "Minister" means the Minister of Energy and Resources Management;
- (h) "municipality" includes a metropolitan municipality, a regional municipality and a district municipality;
- (i) "operator" means the person in occupation or having the charge, management, or control of a waste management system or a waste disposal site;
- (j) "owner" means a person or municipality that owns or is responsible for the establishment or direction of a waste management system or a waste disposal site;

- (k) "regulations" means the regulations made under this Act;
- (l) "waste" includes ashes, garbage, refuse, domestic waste, industrial waste, or municipal refuse and such other wastes as are designated in the regulations;
- (m) "waste disposal site" means any land or land covered by water upon which, or building or structure in which, waste is deposited or processed and any machinery or equipment or operation required for the treatment or disposal of waste;
- (n) "waste management system" means all facilities, equipment and operations for the complete management of waste, including the collection, handling, transportation, storage, processing and disposal thereof, and may include one or more waste disposal sites.

Application
of Act

2. This Act does not apply to the storage or disposal by any person of his domestic wastes on his own property unless in the opinion of the Minister such storage or disposal may create a nuisance or to any sewage or other works to which

R.S.O. 1960,
c. 281

The Ontario Water Resources Commission Act or the regulations thereunder apply.

Authority of
Minister

3. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

- (a) investigate waste management problems;
- (b) conduct research in the field of waste management;
- (c) establish and operate demonstration and other waste disposal sites;
- (d) publish and disseminate information on waste management;
- (e) make grants for research, for training persons in the field of waste management, or for the development of waste management facilities, in such amounts and upon such terms and conditions as the regulations may prescribe;
- (f) appoint committees to perform such advisory functions as the Minister considers desirable.

Authoriza-
tion by
Minister

4. The Minister may authorize any officer or officers of the Department to exercise any of the powers conferred and perform any of the duties imposed upon him under this Act and the regulations.

5.—(1) The Minister may designate officers of the Department or other persons as inspectors for the purposes of this Act and the regulations. ^{Inspectors}

(2) A medical officer of health shall be deemed to be *ex officio* an inspector under this Act. ^{Idem}

6. An inspector may enter in or upon any land or premises, other than a dwelling, at any reasonable time and make or require to be made such examinations, tests, or inquiries as may be necessary or advisable for the purposes of this Act and the regulations. ^{Powers of inspector}

7. Every operator and every owner shall furnish such information as an inspector requires for the purposes of this Act and the regulations. ^{Information to be furnished}

8. No person shall hinder or obstruct any inspector in the performance of his duties or furnish any inspector with false information or refuse to furnish him with information. ^{Obstruction of inspector}

9.—(1) A board to be known as the Waste Management Advisory Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, of whom none shall be members of the public service in the employ of the Department of Energy and Resources Management or members of the Appeal Board, and who shall, subject to subsection 2, hold office during pleasure. ^{Waste Management Advisory Board established}

(2) No member of the Advisory Board shall hold office for more than five consecutive years. ^{Term of office}

(3) The Lieutenant Governor in Council may appoint one of the members of the Advisory Board as chairman and another of the members as vice-chairman. ^{Chairman and vice-chairman}

(4) Three members of the Advisory Board constitute a quorum. ^{Quorum}

(5) The members of the Advisory Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. ^{Remuneration}

10.—(1) A board to be known as the Waste Management Appeal Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, of whom none shall be members of the public service in the employ of the Department of Energy and Resources Management or members of the Advisory Board, and who shall, subject to subsection 2, hold office during pleasure. ^{Waste Management Appeal Board established}

Term of
office

(2) No member of the Appeal Board shall hold office for more than five consecutive years.

Chairman
and vice-
chairman

(3) The Lieutenant Governor in Council may appoint one of the members of the Appeal Board as chairman and another of the members as vice-chairman.

Quorum

(4) Three members of the Appeal Board constitute a quorum.

Remuner-
ation

(5) The members of the Appeal Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

Certificate
of approval,
etc.

11. No waste management system that is in operation or waste disposal site that is in use when this Act comes into force shall be operated or used,

- (a) for more than six months after this Act comes into force unless the owner has made application for a certificate of approval;
- (b) after a certificate of approval has been refused; or
- (c) where a certificate of approval or provisional certificate of approval has been issued, except in accordance with the terms and conditions of such certificate.

New
systems and
sites and
extensions,
etc.

12. No person or municipality shall establish, alter, enlarge or extend,

- (a) a waste management system; or
- (b) a waste disposal site,

unless a certificate of approval or provisional certificate of approval therefor has been issued by the Minister.

No money
by-law
without
certificate

13. No by-law for raising money to finance any work under section 11 shall be passed by the council of a municipality until a certificate of approval or a provisional certificate of approval has been issued therefor.

Municipal
responsi-
bility

14. Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent

of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified.

15. No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has, Condition precedent to issue of certificate

(a) deposited a sum of money; or

(b) furnished a surety bond; or

(c) furnished personal sureties,

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste management system or the waste disposal site or the removal of waste from the site if the Minister considers such removal necessary.

16. No certificate of approval for a waste disposal site shall be issued to an applicant other than a municipality unless the applicant has furnished a certificate from the municipality in which the waste disposal site is situated that the waste disposal site does not contravene any of the by-laws of the municipality. Certificate of municipality required

17. The deposit mentioned in clause *a* of section 15 may be returned to the depositor upon such terms and conditions as the regulations prescribe. Return of deposit

18. An applicant for a certificate of approval for a waste management system or waste disposal site that it is proposed to establish, alter, enlarge or extend shall publish notice of his application in a newspaper having general circulation in the locality where the system or site is or is to be located, once a week for three successive weeks, and no certificate of approval shall be issued until the expiration of three weeks from the date of the last publication. Publication of notice of application

19. An applicant for a certificate of approval shall submit to the Director plans and specifications of the work to be undertaken together with such other information as the Director may require. Information to be furnished

20.—(1) The Director, after considering an application for a certificate of approval, may recommend to the Minister that a certificate of approval or provisional certificate of approval be issued. Recommendation by Director

Idem

(2) The Director may recommend to the Minister that the issue or renewal of a certificate of approval or a provisional certificate of approval be refused, or that a certificate of approval or a provisional certificate of approval previously issued be suspended or revoked, where,

- (a) the application does not comply with this Act and the regulations;
- (b) the waste management system or the waste disposal site does not comply with this Act and the regulations; or
- (c) the operation of the waste management system or the waste disposal site may create a nuisance or is not in the public interest or, in the opinion of the medical officer of health, may result in a hazard to public health.

Prohibition as to deposit of waste

21. Subject to section 11, no person or municipality shall deposit waste upon any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Prohibition as to use of facilities, etc.

22. Subject to section 11, no person or municipality shall use any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Order for removal of waste

23.—(1) Where the Director reports that waste has been deposited upon any land or land covered by water or in any building that has not been approved as a waste disposal site, the Minister may, subject to sections 11 and 26, order the occupant or the person having charge and control of such land or building to remove the waste and to restore the site to a condition satisfactory to the Minister.

Action upon failure to comply with order

(2) Where a person to whom an order is directed under subsection 1 fails to comply with the order, the Minister may cause the necessary work to be done and charge such person with the cost thereof, which may be recovered with costs in any court of competent jurisdiction.

Order by Minister

24. Where the Director reports to the Minister that a waste management system or a waste disposal site is not in conformity with this Act or the regulations, the Minister may,

subject to section 26, order the owner to take such action as he may require to bring the system or the site into conformity with this Act or the regulations within the time specified in the order.

25. Where an owner fails to comply with an order under section 24, the Minister may cause the necessary work to be done and charge the owner with the cost thereof which, in the case of an owner other than a municipality, may be deducted from the deposit mentioned in section 15, or may be recovered with costs in any court of competent jurisdiction.

Action upon non-compliance with order

26.—(1) Where the Minister,

(a) intends to refuse to issue or renew or intends to suspend or revoke a certificate of approval or provisional certificate of approval; or

Where Minister intends to make order, etc.

(b) intends to make an order under section 23 or 24,

he shall cause the Director to give notice of his intention, together with the reasons therefor, and a notice stating the right to a hearing before the Advisory Board, to the owner or the person to whom the order would be directed, as the case may be, and the owner or such person may by written notice given to the Director and the Advisory Board within fifteen days after receipt of notice from the Director, receive a hearing by the Advisory Board.

(2) The chairman of the Advisory Board shall fix a time, date and place for the hearing and shall serve notice on the parties at least ten days before the day fixed.

Notice of hearing

(3) The notice of hearing shall contain,

Contents of notice

(a) a statement of the time, date and place of the hearing;

(b) a reference to the rules of procedure applicable to the hearing; and

(c) a statement that, if a party who has been duly notified does not attend at the hearing, the Advisory Board may proceed in his absence and he is not entitled to notice of any further proceedings.

(4) The Director, any person who receives a notice from the Director under subsection 1, and any other person specified by the Advisory Board, are parties to the hearing.

Parties

Failure to
attend

27.—(1) If a person who has been duly notified of a hearing does not attend, the Advisory Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Adjournment

(2) A hearing may be adjourned from time to time by the Advisory Board on reasonable grounds,

(a) on its own motion; or

(b) on the motion of any party to the hearing.

Subpoena

(3) The Advisory Board may command the attendance before it of any person as a witness.

Oaths and
affirmations

(4) The Advisory Board may require any person,

(a) to give evidence on oath or affirmation at a hearing; and

(b) to produce such documents and things as the Advisory Board requires.

Idem

(5) The Advisory Board may admit evidence not given on oath or by affirmation.

Evidence

28.—(1) At a hearing before the Advisory Board,

(a) except where otherwise provided in this subsection, the common law and statutory rules of evidence apply;

(b) evidence not admissible under clause *a* may be admitted by the Advisory Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and

(c) the Advisory Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

Release of
exhibits

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Advisory Board within a reasonable time after the matter in issue has been finally determined.

Offence

29.—(1) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Advisory Board, makes default in attending; or

- (b) being in attendance as a witness before the Advisory Board, refuses to take an oath legally required by the Advisory Board to be taken, or to produce any documents or things in his power or control legally required by the Advisory Board to be produced by him, or to answer any question to which the Advisory Board may legally require an answer; or
- (c) does any other thing that would, if the Advisory Board had been a court of law having power to commit for contempt have been contempt of that court,

is guilty of an offence.

(2) The Advisory Board may certify an offence under sub-section 1 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of that court. Enforcement

30.—(1) Any party may be represented before the Advisory Board by counsel or agent. Right of party to counsel

(2) Any witness may be represented before the Advisory Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law. Right of witness to counsel

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence. Exclusion of counsel or agent

31.—(1) Any party who is present at a hearing before the Advisory Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions. Rights of parties

(2) All hearings shall be open to the public except where the Advisory Board finds that, Hearings to be open to public, exceptions

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person or any secret manufacturing or trade process may be disclosed,

in which case the Advisory Board shall hold the hearing as to any such matters *in camera*.

Idem

(3) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 2, the Advisory Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

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32.—(1) The Advisory Board shall, after the hearing, submit to the Minister in writing its recommendations, including the reasons therefor, and shall furnish the Minister with a copy of the evidence submitted at the hearing.

Reasons for recommendations

(2) The reasons for the Advisory Board's recommendations shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) any conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of recommendations

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33.—(1) Upon receipt of the recommendations of the Advisory Board, the Minister may issue or renew, or refuse to issue or renew, or suspend or revoke a certificate of approval, or a provisional certificate of approval, or may make such order under section 23 or 24, as the case may be, as he considers necessary.

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(2) A notice of the decision of the Minister and a notice stating the right, if any, to apply for compensation under section 34 shall be served on each party either personally or by registered mail addressed to the party at his last known address.

Right to compensation

34.—(1) Within thirty days after the receipt of notice of the decision that the Minister has refused to renew or has suspended or revoked a certificate of approval, any owner who has suffered pecuniary loss as a result of such decision affecting his waste disposal site or waste management system may apply to the Minister for compensation for such loss where such owner,

- (a) has received a certificate of approval for the waste disposal site or waste management system affected by the Minister's decision; and
- (b) since receiving such certificate of approval, has strictly complied with this Act and the regulations.

(2) A notice of the decision of the Minister in disposing of the application and a notice stating the right to an appeal under this section shall be served on the owner either personally or by registered mail addressed to the owner at his last known address.

Notice of
decision
and right
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(3) Within fifteen days after receipt of the notices referred to in subsection 2, the owner may appeal the amount of compensation, if any, to the Appeal Board, and such appeal shall be a hearing *de novo* and the Appeal Board may dismiss the appeal or alter the decision of the Minister establishing the amount of the compensation, if any, and the decision of the Appeal Board shall be final.

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(4) Subsections 2, 3 and 4 of section 26 and sections 27, 28, 29, 30 and 31 apply *mutatis mutandis* to a hearing before the Appeal Board.

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- (h) prescribing the amounts and terms and conditions of grants payable to universities and other organizations under clause *e* of section 3;

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BILL 94

The Waste Management Act, 1970

1st Reading

May 21st, 1970

2nd Reading

June 9th, 1970

3rd Reading

MR. KERR

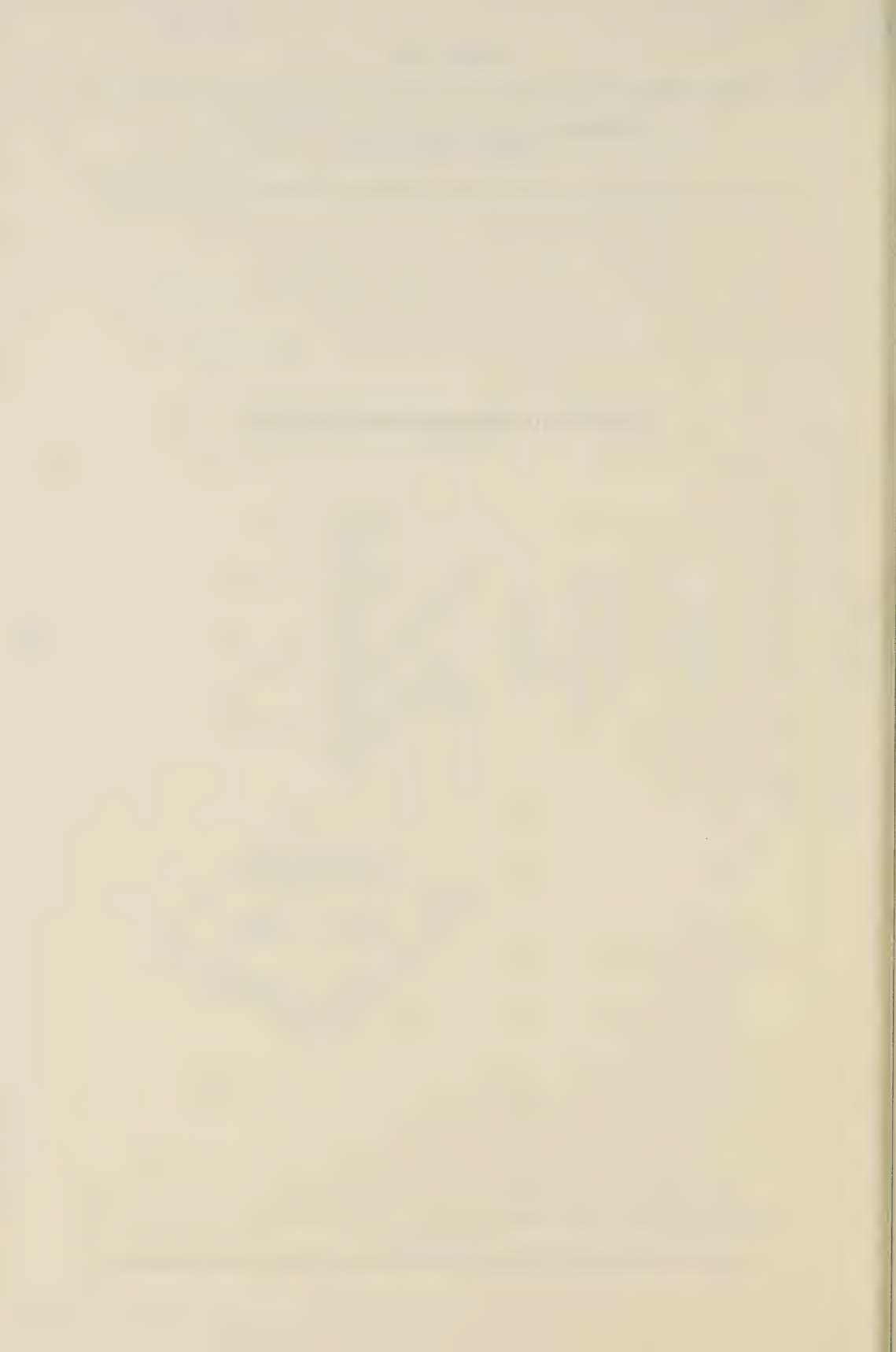
*(Reprinted as amended by the
Committee of the Whole House)*

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

The Waste Management Act, 1970

MR. KERR





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Application
of Act

R.S.O. 1960,
c. 281

2. This Act does not apply to the storage or disposal by any person of his domestic wastes on his own property unless in the opinion of the Minister such storage or disposal may create a nuisance or to any sewage or other works to which *The Ontario Water Resources Commission Act* or the regulations thereunder apply.

Authority of
Minister

3. The Minister, for the purposes of the administration and enforcement of this Act and the regulations, may,

- (a) investigate waste management problems;
- (b) conduct research in the field of waste management;
- (c) establish and operate demonstration and other waste disposal sites;
- (d) publish and disseminate information on waste management;
- (e) make grants for research, for training persons in the field of waste management, or for the development of waste management facilities, in such amounts and upon such terms and conditions as the regulations may prescribe;
- (f) appoint committees to perform such advisory functions as the Minister considers desirable.

Authoriza-
tion by
Minister

4. The Minister may authorize any officer or officers of the Department to exercise any of the powers conferred and perform any of the duties imposed upon him under this Act and the regulations.

5.—(1) The Minister may designate officers of the Department or other persons as inspectors for the purposes of this Act and the regulations. ^{Inspectors}

(2) A medical officer of health shall be deemed to be *ex officio* an inspector under this Act. ^{Idem}

6. An inspector may enter in or upon any land or premises, other than a dwelling, at any reasonable time and make or require to be made such examinations, tests, or inquiries as may be necessary or advisable for the purposes of this Act and the regulations. ^{Powers of inspector}

7. Every operator and every owner shall furnish such information as an inspector requires for the purposes of this Act and the regulations. ^{Information to be furnished}

8. No person shall hinder or obstruct any inspector in the performance of his duties or furnish any inspector with false information or refuse to furnish him with information. ^{Obstruction of inspector}

9.—(1) A board to be known as the Waste Management Advisory Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, of whom none shall be members of the public service in the employ of the Department of Energy and Resources Management or members of the Appeal Board, and who shall, subject to subsection 2, hold office during pleasure. ^{Waste Management Advisory Board established}

(2) No member of the Advisory Board shall hold office for more than five consecutive years. ^{Term of office}

(3) The Lieutenant Governor in Council may appoint one of the members of the Advisory Board as chairman and another of the members as vice-chairman. ^{Chairman and vice-chairman}

(4) Three members of the Advisory Board constitute a quorum. ^{Quorum}

(5) The members of the Advisory Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines. ^{Remuneration}

10.—(1) A board to be known as the Waste Management Appeal Board is hereby established and shall consist of not fewer than five persons appointed by the Lieutenant Governor in Council, of whom none shall be members of the public service in the employ of the Department of Energy and Resources Management or members of the Advisory Board, and who shall, subject to subsection 2, hold office during pleasure. ^{Waste Management Appeal Board established}

Term of office (2) No member of the Appeal Board shall hold office for more than five consecutive years.

Chairman and vice-chairman (3) The Lieutenant Governor in Council may appoint one of the members of the Appeal Board as chairman and another of the members as vice-chairman.

Quorum (4) Three members of the Appeal Board constitute a quorum.

Remuneration (5) The members of the Appeal Board shall be paid such remuneration and expenses as the Lieutenant Governor in Council from time to time determines.

Certificate of approval, etc. **11.** No waste management system that is in operation or waste disposal site that is in use when this Act comes into force shall be operated or used,

(a) for more than six months after this Act comes into force unless the owner has made application for a certificate of approval;

(b) after a certificate of approval has been refused; or

(c) where a certificate of approval or provisional certificate of approval has been issued, except in accordance with the terms and conditions of such certificate.

New systems and sites and extensions, etc. **12.** No person or municipality shall establish, alter, enlarge or extend,

(a) a waste management system; or

(b) a waste disposal site,

unless a certificate of approval or provisional certificate of approval therefor has been issued by the Minister.

No money by-law without certificate **13.** No by-law for raising money to finance any work under section 11 shall be passed by the council of a municipality until a certificate of approval or a provisional certificate of approval has been issued therefor.

Municipal responsibility **14.** Where the Minister reports in writing to the clerk of a municipality that he is of the opinion that it is necessary in the public interest that waste be collected or a waste management system or any part thereof be established, maintained, operated, improved, extended, enlarged, altered, repaired or replaced, it is not necessary to obtain the assent

of the electors to any by-law for incurring a debt for any such purpose, and the municipality shall forthwith do every possible act and thing in its power to implement the report of the Minister within the time specified.

15. No certificate of approval shall be issued to an applicant other than a municipality unless the applicant has, Condition precedent to issue of certificate

(a) deposited a sum of money; or

(b) furnished a surety bond; or

(c) furnished personal sureties,

in such amount and upon such conditions as the regulations prescribe to assure satisfactory maintenance of the waste management system or the waste disposal site or the removal of waste from the site if the Minister considers such removal necessary.

16. No certificate of approval for a waste disposal site shall be issued to an applicant other than a municipality unless the applicant has furnished a certificate from the municipality in which the waste disposal site is situated that the waste disposal site does not contravene any of the by-laws of the municipality. Certificate of municipality required

17. The deposit mentioned in clause *a* of section 15 may be returned to the depositor upon such terms and conditions as the regulations prescribe. Return of deposit

18. An applicant for a certificate of approval for a waste management system or waste disposal site that it is proposed to establish, alter, enlarge or extend shall publish notice of his application in a newspaper having general circulation in the locality where the system or site is or is to be located, once a week for three successive weeks, and no certificate of approval shall be issued until the expiration of three weeks from the date of the last publication. Publication of notice of application

19. An applicant for a certificate of approval shall submit to the Director plans and specifications of the work to be undertaken together with such other information as the Director may require. Information to be furnished

20.—(1) The Director, after considering an application for a certificate of approval, may recommend to the Minister that a certificate of approval or provisional certificate of approval be issued. Recommendation by Director

Idem

(2) The Director may recommend to the Minister that the issue or renewal of a certificate of approval or a provisional certificate of approval be refused, or that a certificate of approval or a provisional certificate of approval previously issued be suspended or revoked, where,

- (a) the application does not comply with this Act and the regulations;
- (b) the waste management system or the waste disposal site does not comply with this Act and the regulations; or
- (c) the operation of the waste management system or the waste disposal site may create a nuisance or is not in the public interest or, in the opinion of the medical officer of health, may result in a hazard to public health.

Prohibition
as to deposit
of waste

21. Subject to section 11, no person or municipality shall deposit waste upon any land or land covered by water or in any building that is not a waste disposal site for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Prohibition
as to use of
facilities, etc.

22. Subject to section 11, no person or municipality shall use any facilities or equipment for the storage, handling, treatment, collection, transportation, processing or disposal of waste that is not part of a waste management system for which a certificate of approval or a provisional certificate of approval has been issued and except in accordance with the terms and conditions of such certificate.

Order for
removal of
waste

23.—(1) Where the Director reports that waste has been deposited upon any land or land covered by water or in any building that has not been approved as a waste disposal site, the Minister may, subject to sections 11 and 26, order the occupant or the person having charge and control of such land or building to remove the waste and to restore the site to a condition satisfactory to the Minister.

Action upon
failure to
comply with
order

(2) Where a person to whom an order is directed under subsection 1 fails to comply with the order, the Minister may cause the necessary work to be done and charge such person with the cost thereof, which may be recovered with costs in any court of competent jurisdiction.

Order by
Minister

24. Where the Director reports to the Minister that a waste management system or a waste disposal site is not in conformity with this Act or the regulations, the Minister may,

subject to section 26, order the owner to take such action as he may require to bring the system or the site into conformity with this Act or the regulations within the time specified in the order.

25. Where an owner fails to comply with an order under section 24, the Minister may cause the necessary work to be done and charge the owner with the cost thereof which, in the case of an owner other than a municipality, may be deducted from the deposit mentioned in section 15, or may be recovered with costs in any court of competent jurisdiction.

Action upon
non-
compliance
with order

26.—(1) Where the Minister,

Where
Minister
intends to
make order,
etc.

(a) intends to refuse to issue or renew or intends to suspend or revoke a certificate of approval or provisional certificate of approval; or

(b) intends to make an order under section 23 or 24,

he shall cause the Director to give notice of his intention, together with the reasons therefor, and a notice stating the right to a hearing before the Advisory Board, to the owner or the person to whom the order would be directed, as the case may be, and the owner or such person may by written notice given to the Director and the Advisory Board within fifteen days after receipt of notice from the Director, receive a hearing by the Advisory Board.

(2) The chairman of the Advisory Board shall fix a time, date and place for the hearing and shall serve notice on the parties at least ten days before the day fixed.

Notice of
hearing

(3) The notice of hearing shall contain,

Contents of
notice

(a) a statement of the time, date and place of the hearing;

(b) a reference to the rules of procedure applicable to the hearing; and

(c) a statement that, if a party who has been duly notified does not attend at the hearing, the Advisory Board may proceed in his absence and he is not entitled to notice of any further proceedings.

(4) The Director, any person who receives a notice from the Director under subsection 1, and any other person specified by the Advisory Board, are parties to the hearing.

Parties

Failure to
attend

27.—(1) If a person who has been duly notified of a hearing does not attend, the Advisory Board may proceed in his absence and he is not entitled to notice of any further proceedings.

Adjournment

(2) A hearing may be adjourned from time to time by the Advisory Board on reasonable grounds,

(a) on its own motion; or

(b) on the motion of any party to the hearing.

Subpoena

(3) The Advisory Board may command the attendance before it of any person as a witness.

Oaths and
affirmations

(4) The Advisory Board may require any person,

(a) to give evidence on oath or affirmation at a hearing; and

(b) to produce such documents and things as the Advisory Board requires.

Idem

(5) The Advisory Board may admit evidence not given on oath or by affirmation.

Evidence

28.—(1) At a hearing before the Advisory Board,

(a) except where otherwise provided in this subsection, the common law and statutory rules of evidence apply;

(b) evidence not admissible under clause *a* may be admitted by the Advisory Board in its discretion if to do so may expedite the hearing and will not prejudice any party; and

(c) the Advisory Board may admit evidence in the form of a copy or an excerpt of a document if the document itself is not readily available.

Release of
exhibits

(2) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Advisory Board within a reasonable time after the matter in issue has been finally determined.

Offence

29.—(1) Any person who, without lawful excuse,

(a) on being duly summoned as a witness before the Advisory Board, makes default in attending; or

- (b) being in attendance as a witness before the Advisory Board, refuses to take an oath legally required by the Advisory Board to be taken, or to produce any documents or things in his power or control legally required by the Advisory Board to be produced by him, or to answer any question to which the Advisory Board may legally require an answer; or
- (c) does any other thing that would, if the Advisory Board had been a court of law having power to commit for contempt have been contempt of that court,

is guilty of an offence.

(2) The Advisory Board may certify an offence under sub-^{Enforcement} section 1 to the High Court and that court may thereupon inquire into the offence and after hearing any witnesses who may be produced against or on behalf of the person charged with the offence, and after hearing any statement that may be offered in defence, punish or take steps for the punishment of that person in like manner as if he had been guilty of contempt of that court.

30.—(1) Any party may be represented before the Advisory Board by counsel or agent.^{Right of party to counsel}

(2) Any witness may be represented before the Advisory Board by counsel or agent, but at the hearing the counsel or agent may only advise the witness and state objections under the provisions of the relevant law.^{Right of witness to, counsel}

(3) Where a hearing is *in camera*, a counsel or agent for a witness shall be excluded except when that witness is giving evidence.^{Exclusion of counsel or agent}

31.—(1) Any party who is present at a hearing before the Advisory Board may call and examine his witnesses, cross-examine opposing witnesses and present his arguments and submissions.^{Rights of parties}

(2) All hearings shall be open to the public except where the Advisory Board finds that,^{Hearings to be open to public, exceptions}

(a) public security may be involved; or

(b) intimate financial or personal circumstances of any person or any secret manufacturing or trade process may be disclosed,

in which case the Advisory Board shall hold the hearing as to any such matters *in camera*.

Idem

(3) Notwithstanding the exceptions mentioned in clauses *a* and *b* of subsection 2, the Advisory Board may, if in its opinion the public interest so requires, proceed without regard to such exceptions.

Recommendations to Minister by Board

32.—(1) The Advisory Board shall, after the hearing, submit to the Minister in writing its recommendations, including the reasons therefor, and shall furnish the Minister with a copy of the evidence submitted at the hearing.

Reasons for recommendations

(2) The reasons for the Advisory Board's recommendations shall contain,

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) any conclusions of law based on the findings mentioned in clauses *a* and *b*.

Notice of recommendations

(3) The Advisory Board shall serve each party with a copy of its recommendations together with the reasons therefor.

Powers of Minister

33.—(1) Upon receipt of the recommendations of the Advisory Board, the Minister may issue or renew, or refuse to issue or renew, or suspend or revoke a certificate of approval, or a provisional certificate of approval, or may make such order under section 23 or 24, as the case may be, as he considers necessary.

Notice of decision

(2) A notice of the decision of the Minister and a notice stating the right, if any, to apply for compensation under section 34 shall be served on each party either personally or by registered mail addressed to the party at his last known address.

Right to compensation

34.—(1) Within thirty days after the receipt of notice of the decision that the Minister has refused to renew or has suspended or revoked a certificate of approval, any owner who has suffered pecuniary loss as a result of such decision affecting his waste disposal site or waste management system may apply to the Minister for compensation for such loss where such owner,

- (a) has received a certificate of approval for the waste disposal site or waste management system affected by the Minister's decision; and
- (b) since receiving such certificate of approval, has strictly complied with this Act and the regulations.

(2) A notice of the decision of the Minister in disposing of the application and a notice stating the right to an appeal under this section shall be served on the owner either personally or by registered mail addressed to the owner at his last known address. Notice of decision and right to appeal

(3) Within fifteen days after receipt of the notices referred to in subsection 2, the owner may appeal the amount of compensation, if any, to the Appeal Board, and such appeal shall be a hearing *de novo* and the Appeal Board may dismiss the appeal or alter the decision of the Minister establishing the amount of the compensation, if any, and the decision of the Appeal Board shall be final. Right to appeal

(4) Subsections 2, 3 and 4 of section 26 and sections 27, 28, 29, 30 and 31 apply *mutatis mutandis* to a hearing before the Appeal Board. Application of certain sections

(5) The Appeal Board shall, after the hearing, submit to the Minister and the appellant its decision in writing and shall furnish the Minister with a copy of the evidence submitted at the hearing. Decision of Appeal Board

(6) The reasons for the Appeal Board's decision shall contain, Reasons for decision

- (a) the findings of fact on the evidence and any information or knowledge used in reaching the decision;
- (b) any agreed findings of fact; and
- (c) any conclusions of law based on the findings mentioned in clauses *a* and *b*.

(7) The Appeal Board shall serve each party with a copy of its decision together with the reasons therefor. Copy of decision to be served

(8) After receipt of the decision of the Appeal Board, the Minister shall do what is necessary to give effect thereto. Minister to take necessary action

35. No use shall be made of land or land covered by water which has been used for the disposal of waste within a period of twenty-five years from the year in which such land ceased to be so used unless the approval of the Minister for the proposed use has been given. Former disposal sites

36. Every person or municipality that contravenes any provision of this Act or the regulations or fails to comply with an order made under section 23 or 24 is guilty of an Offences

offence and on summary conviction is liable to a fine of not less than \$100 and not more than \$2,000 for every day or part thereof upon which such offence occurs or continues.

Regulations

37. The Lieutenant Governor in Council may make regulations,

- (a) designating wastes in addition to those specified in clause *l* of section 1, and exempting any wastes from this Act and the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (b) classifying waste management systems and waste disposal sites, and exempting any class thereof from this Act or the regulations or any provision thereof, and prescribing terms and conditions for such exemption;
- (c) providing for the issue of certificates of approval and provisional certificates of approval for waste management systems or waste disposal sites, or any class thereof, prescribing terms and conditions upon which such certificates may be issued, and providing for determining the terms and conditions that may be attached thereto;
- (d) governing and regulating the management of waste and prescribing standards for waste management systems and for the location, maintenance and operation of waste disposal sites, or any class thereof;
- (e) governing the location of waste disposal sites and designating parts of Ontario in which no waste disposal sites, or any class thereof, shall be established or operated;
- (f) prescribing the amounts and conditions of deposits and bonds and sureties for the purpose of section 15, and prescribing the terms and conditions upon which deposits may be returned under section 17;
- (g) prescribing the records that shall be kept by operators of waste management systems and waste disposal sites and the reports that shall be made by such operators;
- (h) prescribing the amounts and terms and conditions of grants payable to universities and other organizations under clause *e* of section 3;

- (i) prescribing the form of application and the procedure to be followed in applying for any compensation under this Act;
- (j) respecting any matter necessary or advisable to carry out effectively the intent and purpose of this Act or the regulations.

38. This Act comes into force on the 1st day of September, ^{Commence-}
1970. _{ment}

39. This Act may be cited as *The Waste Management* Short title
Act, 1970.

The Waste Management Act, 1970

1st Reading

May 21st, 1970

2nd Reading

June 9th, 1970

3rd Reading

June 25th, 1970

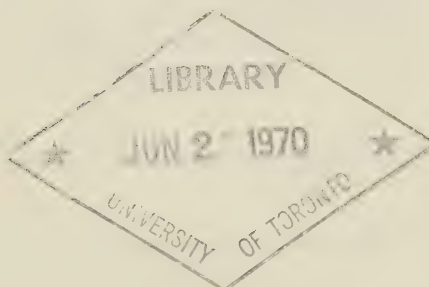
MR. KERR

BILL 95

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Municipal Act

MR. NEWMAN (Windsor-Walkerville)



EXPLANATORY NOTES

SECTION 1. The paragraph added will permit municipalities to pass by-laws regulating traffic on privately-owned parking lots, such as shopping centres.

SECTION 2. Self-explanatory.

BILL 95

1970

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 1 of section 379 of *The Municipal Act* is amended by adding thereto the following paragraph: R.S.O. 1960,
c. 249, s. 379,
subs. 1,
amended

108a. For controlling and regulating traffic on privately-owned parking lots upon which the public is invited to park motor vehicles, except privately-owned parking lots where a fee is charged for the privilege of parking motor vehicles, including requiring the designation of the direction in which traffic must proceed in driving lanes, the prohibition of parking in other than designated parking stalls, requiring the designation of fire routes through such parking lots and the prohibition of parking on or obstructing such fire routes. Regulating
traffic on
private
parking lots

2. *The Municipal Act* is amended by adding thereto the following section: R.S.O. 1960,
c. 249,
amended

379h. The National Fire Code of Canada is in force in every local municipality as though it had been adopted by by-law, and where any conflict exists between the provisions of a municipal by-law and the provisions of the Code, the provisions of the Code prevail. National
Fire Code in
force in
every local
municipality

3. This Act comes into force on the day it receives Royal Assent. Commence-
ment

4. This Act may be cited as *The Municipal Amendment Act, 1970*. Short title

An Act to amend The Municipal Act

1st Reading

May 25th, 1970

2nd Reading

3rd Reading

MR. NEWMAN (Windsor-Walkerville)

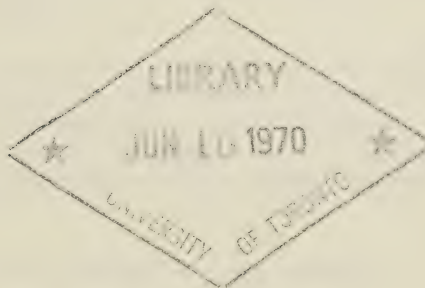
BILL 96

56

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Employment Standards Act, 1968

MR. BALES



EXPLANATORY NOTE

The purpose of the Bill is to amend, update and strengthen the Act in respect of wages, vacations with pay, termination of employment, hearings and appeals, and certain related matters.

The amendments reflect administrative experience gained since the Act was enacted in 1968.

BILL 96

1970

An Act to amend The Employment Standards Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Employment Standards Act, 1968* is repealed and the following substituted therefor: ^{1968, c. 35, s. 1, cl. c, re-enacted}

(c) “employee” includes a person who,

- (i) performs any work for or supplies any services to an employer,
- (ii) does homework for an employer, or
- (iii) receives any instruction, or training in the activity, business, work, trade, occupation or profession of the employer.

(2) Clause *d* of the said section 1 is repealed and the following substituted therefor: ^{1968, c. 35, s. 1, cl. d, re-enacted}

(d) “employer” includes any person who as the owner, proprietor, manager, superintendent, or overseer of any activity, business, work, trade, occupation or profession, has control or direction of, or is directly or indirectly responsible for, the employment of a person therein.

(3) Clauses *e* and *i* of the said section 1 are repealed.

^{1968, c. 35, s. 1, cls. e, i, repealed}

2. *The Employment Standards Act, 1968* is amended by adding thereto the following sections: ^{1968, c. 35, amended}

3a. Any agreement, arrangement or understanding by an employee with an employer, or any term or condition of employment implied by law, that results in the Agreement, etc., to be null and void

whole or any part of the wages of an employee being retained by, returned to or accepted by the employer, either directly or indirectly, is null and void.

Garnishment
not to be
grounds for
dismissal

- 3b. No employer shall dismiss or suspend an employee upon the ground that garnishment proceedings are or may be taken against that employee.

Director
may make
order

- 3c. Where associated or related activities, businesses, trades or undertakings are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, the Director may by order determine that all or any one or more of such corporations, individuals, firms, syndicates or associations are a single employer for the purposes of this Act and those corporations, individuals, firms, syndicates or associations determined to be a single employer shall be jointly and severally liable to pay unpaid wages, overtime and holiday pay and vacation pay.

Continuity
of
employment

- 3d. If an activity, business, trade or undertaking is disposed of, transferred or sold in any manner or amalgamated, whether by agreement, will, instrument, transfer, including transfer of shares, or by operation of law, the period of employment of an employee of the activity, business, trade or undertaking at the time of such disposition, transfer, sale or amalgamation, shall be deemed to have been employment with the disposee, transferee, purchaser or amalgamation and the continuity of employment shall not be broken.

Priority of
claims

- 3e.—(1) Notwithstanding the provisions of any other Act, a person to whom unpaid wages is due and owing by an employer shall have first priority over the claims or rights, including the claims or rights of the Crown, of all preferred, ordinary or general creditors of the employer to the extent of \$2,000.

Vacation
pay deemed
to be
held in trust

- (2) Every employer shall be deemed to hold vacation pay accruing due to an employee in trust for the employee and for payment of the vacation pay over in the manner and at the time provided under this Act and the regulations, and the amount shall be a charge upon the assets of the employer or his estate in his hands or the hands of a trustee and shall have priority over all other claims.

3. Section 5 of *The Employment Standards Act, 1968* is ^{1968, c. 35,} repealed and the following substituted therefor: ^{s. 5,} ^{re-enacted}

5. The Director or any person designated so to do, may ^{Powers of} ^{Director} inquire into any matter or thing relating to the administration or enforcement of this Act and the regulations, and, without limiting the generality of the foregoing, the Director, or the person designated so to do, may,

- (a) summon and enforce the attendance of witnesses, and examine them under oath and require them to produce such documents and things as he considers requisite to the full investigation and consideration of matters or things within his jurisdiction;
- (b) accept such evidence, oral or written, as in his discretion he considers proper;
- (c) determine that all, any one or more or any combination of a corporation, individual, firm, syndicate or association are a single employer for the purposes of this Act;
- (d) determine whether a person is an employee or an employer for the purposes of this Act;
- (e) determine the regular rate paid to an employee;
- (f) determine whether any act, agreement, arrangement or scheme is intended to have or has the effect, directly or indirectly, of defeating the true intent and purpose of this Act;
- (g) determine whether an employer has failed to pay wages, or any pay or vacation pay to which an employee is entitled under this Act or under the terms and conditions of his employment;
- (h) determine whether an activity, business, trade or undertaking is or has been disposed of, transferred, sold or amalgamated within the meaning of section 3d.

4. *The Employment Standards Act, 1968* is amended by ^{1968, c. 35,} adding thereto the following Part: ^{amended}

PART 1A

TERMINATION OF EMPLOYMENT

Application
of Part

6a. This Part applies to the Crown, every agency thereof and any board, commission, authority or corporation that exercises any functions assigned or delegated to it by the Crown.

Notice of
termination

6b.—(1) No employer shall terminate the employment of a person who has been employed for three months or more unless he gives,

(a) one week's notice in writing to the person if his period of employment is less than two years;

(b) two weeks' notice in writing to the person if his period of employment is two years or more but less than five years;

(c) four weeks' notice in writing to the person if his period of employment is five years or more but less than ten years; and

(d) eight weeks' notice in writing to the person if his period of employment is ten years or more,

and such notice has expired.

Idem

(2) Notwithstanding subsection 1, the notice required by an employer to terminate the employment of fifty or more persons in any period of four weeks or less shall be given in the manner and for the period prescribed in the regulations, and until the expiry of such notice the terminations shall not take effect.

Exceptions

(3) Subsections 1 and 2 do not apply to,

(a) a person employed for a definite term or task;

(b) a person who is temporarily laid-off, as defined in the regulations;

(c) a person who has been guilty of wilful misconduct or disobedience or wilful neglect of duty that has not been condoned by the employer;

- (d) a contract of employment that is or has become impossible of performance or is frustrated by a fortuitous or unforeseeable event or circumstance; or
 - (e) a person employed in an activity, business, work, trade, occupation or profession, or any part thereof, that is exempted by the regulations.
- (4) Where an employer is required to give the notice referred to in subsection 2, he shall co-operate with the Minister during the period of the notice in any action or program intended to facilitate the re-establishment in employment of the persons whose employment is to be terminated. Employer to co-operate with Minister
- (5) Where the notice referred to in subsection 1 or 2 has been given, Rates of wages, etc., not to be altered
- (a) no employer shall alter the rates of wages or any other term or condition of employment of any person to whom notice has been given; and
 - (b) upon the expiry of the notice, the employer shall pay to the person the wages and any unpaid vacation pay to which he is entitled.
- (6) Notwithstanding subsections 1 and 2, the employment of a person may be terminated forthwith where the employer gives to the person notice in writing to that effect and, When employment may be terminated forthwith
- (a) pays to the person an amount equal to the wages to which the person would have been entitled for work that would have been performed by him at the regular rate for a normal non-overtime workweek for the period of notice prescribed under subsection 1 or the regulations, as the case may be; and
 - (b) pays to the person any unpaid vacation pay to which the person is entitled under Part VI.
- (7) Any amount payable under clause *a* of subsection 6 shall be deemed to be unpaid wages for the purpose of this Act. Amount payable deemed to be wages
- (8) Where an employer, Director may determine amounts payable

- (a) fails to give the notice in writing prescribed in subsection 1 or in the regulations, as the case may be;
- (b) fails to pay wages or any vacation pay to which an employee is entitled under clause *b* of subsection 5; or
- (c) fails to pay the moneys to which an employee is entitled under subsection 6,

the Director may determine the amount or amounts which the employee is entitled to receive and section 28 shall apply.

Notice by
employee

- (9) Subject to subsection 10, an employee to whom notice has been given under subsection 2 shall not terminate his employment until after the expiry of,
 - (a) one week's notice in writing to the employer if the period of employment is less than two years; and
 - (b) two weeks' notice in writing to the employer if the period of employment is two years or more.

Idem

- (10) An employee may terminate his employment forthwith upon notice where his employer has been guilty of a breach of the terms and conditions of employment.

Rights,
etc., not
affected

- (11) Nothing in this section affects any rights or benefits of an employee under any law, custom, agreement or arrangement that is more favourable to him than his rights or benefits under this section.

Regulations

- (12) The Lieutenant Governor in Council may make regulations respecting any matter or thing necessary or advisable to carry out the intent and purpose of this Part, and, without restricting the generality of the foregoing, may make regulations,
 - (a) prescribing the length of notice of termination of employment to be given by an employer or class of employers to a class or classes of employees;
 - (b) prescribing the length of notice of termination of employment to be given by an employee or class of employees to an employer or class of employers;

- (c) prescribing the manner of giving notice of termination of employment and the form and contents of such notice;
- (d) defining "temporarily laid off", "termination of employment", and "employment for a definite term or task";
- (e) prescribing what constitutes a period of employment; and
- (f) exempting any activity, business, work, trade, occupation or profession, or any part thereof from the application of this Part.

5. Section 14 of *The Employment Standards Act, 1968* is ^{1968, c. 35, s. 14,} amended by adding thereto the following subsection:

- (3) In complying with subsections 1 and 2, no employer shall reduce the regular rate of wages payable to an employee. ^{Regular rate not to be reduced}

6. Section 15 of *The Employment Standards Act, 1968* ^{1968, c. 35, s. 15,} is repealed. ^{repealed}

7. Sections 21, 22, 23 and 24 of *The Employment Standards Act, 1968* ^{1968, c. 35, ss. 21-24,} are repealed and the following substituted therefor: ^{re-enacted}

21.—(1) Every employer shall give to each employee, ^{Vacations}

- (a) a vacation with pay of at least one week upon the completion of the first twelve months of employment; and
- (b) a vacation with pay of at least two weeks upon the completion of each twelve months of employment thereafter.

(2) Where an employee has completed twelve months ^{Idem} of non-continuous employment during any period of thirty-six consecutive months subsequent to the year 1966, the employer shall give to the employee a vacation of at least one week with pay upon the completion of the first twelve months of non-continuous employment and a vacation of two weeks with pay upon the completion of each twelve months of employment thereafter.

22.—(1) The employer shall determine the period when ^{When vacation taken} an employee may take the vacation provided by section 21, which in the case of a two-week vacation

may be a two-week period or two periods of one week each, but in any case the employee shall be given his vacation not later than ten months after the end of the year for which the vacation was given.

Director
may require
employer
to pay

- (2) Notwithstanding subsection 1, the Director may require the employer to pay to an employee at any time the vacation pay to which the employee is entitled under section 21.

Vacation
pay

23. Subject to subsection 1 of section 4, in the case of a one-week vacation the amount of pay for the vacation shall not be less than an amount equal to 2 per cent of the total pay of the employee in the year for which the vacation is given and, in the case of a two-week vacation the amount of pay for the vacation shall not be less than an amount equal to 4 per cent of the total pay of the employee in the year for which the vacation is given.

Payment
in lieu of
vacation

24. Where an employee has not been given a vacation with pay pursuant to section 21 or the employment of an employee is terminated for any cause or by operation of law, the employee shall be paid,

(a) an amount equal to 2 per cent of the total pay of the employee in the first twelve months of employment or any part thereof; and

(b) an amount equal to 4 per cent of the total pay of the employee in each succeeding twelve months of employment, or any part thereof.

1968, c. 35,
s. 28,
re-enacted

8. Section 28 of *The Employment Standards Act, 1968* is repealed and the following substituted therefor:

Determin-
ation of
amounts
payable

- 28.—(1) Where an employer has failed to pay any amount of wages, overtime pay, pay for work performed on a holiday or vacation pay that is due to an employee or employees under this Act or under any law, custom, agreement or arrangement that is more favourable to him or them than his or their rights or benefits under this Act, the Director or any person designated so to do may determine the amount or amounts due to the employee or employees.

Notice to
employer,
etc.

- (2) Where a determination has been made under subsection 1, the Director or any person designated so to do shall by notice in writing require the employer

to pay to the Director in trust any amount, not exceeding \$2,000 for any employee, that an employer has failed to pay to his employee or employees, and in addition to that amount the Director or any person designated so to do shall require the employer to pay to the Director in trust a penalty of 10 per cent of that amount.

- (3) Where the employer has paid the amount and the penalty required under subsection 2, the employer may, within fifteen days of the date of the notice, apply in writing in the prescribed form to the Minister for a review of the determination. ^{Employer may appeal to Minister}
- (4) The Minister or a person designated by him to review the determination shall give the employer notice of the time and place of hearing at which the employer or his agent may attend, present his evidence, and make his submissions, and the Minister or the person designated by him so to do may exercise any powers under section 5 and shall give his final decision which may vary, rescind or confirm the amount payable by the employer. ^{Hearing}
- (5) An employer dissatisfied with a decision made under subsection 4 may appeal from the decision to the Court of Appeal within fifteen days from the date of the decision upon the ground that the decision is, ^{Appeal to Court of Appeal}
 - (a) erroneous in point of law; or
 - (b) in excess of jurisdiction.
- (6) Upon the request of an employer desiring to appeal, the Minister or person designated by him to review the determination shall state a case setting forth the facts as found and the grounds upon which the decision is questioned. ^{Minister to state case on request}
- (7) An appeal under subsection 5 shall be by motion, notice of which shall be served upon the Minister and the record shall consist of the case as stated. ^{Procedure}
- (8) The Court of Appeal shall hear and determine the appeal in accordance with the practice in appeals from a decision of a judge of the Supreme Court and may make such order as the court considers proper or may refer the matter or any part thereof back to the ^{Idem}

Minister or the person designated by him to review the determination with such directions as the court considers proper.

Payment to
employee
where no
appeal

- (9) Where no appeal has been made to the Minister, the Director shall pay to the employee or employees the moneys collected from the employer on his or their behalf.

Payment to
employee,
etc., when
appeal taken

- (10) Where an appeal has been made to the Minister or an appeal has been taken under subsection 5, the Director shall pay to the employee or the employees the amounts owing as determined upon the final disposition of the appeal and shall pay to the employer any moneys to which the employer is entitled upon that final disposition.

1968, c. 35,
amended

9. *The Employment Standards Act, 1968* is amended by adding thereto the following section:

Garnishment

- 28a.—(1) When the Director has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to an employer who is liable to make any payment under this Act, he may, by registered letter or by a letter served personally, require the first named person to pay the moneys otherwise payable to the employer in whole or in part to the Director in trust on account of the liability under this Act.

Idem

- (2) The receipt of the Director for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

1968, c. 35,
s. 29, subs. 1,
cls. d, h,
re-enacted

10.—(1) Clauses *d* and *h* of subsection 1 of section 29 of *The Employment Standards Act, 1968* are repealed and the following substituted therefor:

(*d*) defining what comprises a regular rate of pay;

(*h*) specifying the deductions that may be made from the wages paid to employees.

1968, c. 35,
s. 29, subs. 1,
amended

(2) Subsection 1 of the said section 29 is amended by adding thereto the following clauses:

(*ma*) prescribing rates of pay and hours of work for the whole or part of any industry, business or trade in a designated part of Ontario;

(mb) providing for the substitution of another day in lieu of a day defined as a holiday in this Act;

(mc) providing for the averaging of daily or weekly hours of work over a longer period of time.

11. Clause *a* of subsection 1 of section 31 of *The Employment Standards Act, 1968* is amended by inserting after "keep" in the first line "in Ontario", and by striking out "eighteen" in the first line and inserting in lieu thereof "twenty-four", so that the clause, exclusive of the subclauses, shall read as follows:

1968, c. 35,
s. 31, subs. 1,
cl. a,
amended

(a) make and keep in Ontario for a period of twenty-four months after work is performed by an employee complete and accurate records in respect of the employee showing,

.

12. Section 36 of *The Employment Standards Act, 1968* is amended by adding thereto the following subsection:

1968, c. 35,
s. 36,
amended

(5) No prosecution under this Act shall be instituted more than two years after the last act or default upon which the prosecution is based occurred.

Limitation
on
prosecution

13. This Act comes into force on a day to be named by the Lieutenant Governor by his proclamation.

Commence-
ment

14. This Act may be cited as *The Employment Standards Amendment Act, 1970*.

Short title

An Act to amend
The Employment Standards Act, 1968

1st Reading

May 27th, 1970

2nd Reading

3rd Reading

MR. BATES

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Employment Standards Act, 1968

MR. BALES



BILL 96

1970

An Act to amend The Employment Standards Act, 1968

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause *c* of section 1 of *The Employment Standards Act, 1968* is repealed and the following substituted therefor: <sup>1968, c. 35,
s. 1, cl. *c*,
re-enacted</sup>

(*c*) “employee” includes a person who,

- (i) performs any work for or supplies any services to an employer,
- (ii) does homework for an employer, or
- (iii) receives any instruction, or training in the activity, business, work, trade, occupation or profession of the employer.

(2) Clause *d* of the said section 1 is repealed and the following substituted therefor: <sup>1968, c. 35,
s. 1, cl. *d*,
re-enacted</sup>

(*d*) “employer” includes any person who as the owner, proprietor, manager, superintendent, or overseer of any activity, business, work, trade, occupation or profession, has control or direction of, or is directly or indirectly responsible for, the employment of a person therein.

(3) Clauses *e* and *i* of the said section 1 are repealed. <sup>1968, c. 35,
s. 1,
cls. *e*, *i*,
repealed</sup>

2. *The Employment Standards Act, 1968* is amended by adding thereto the following sections: <sup>1968, c. 35,
amended</sup>

3a. Any agreement, arrangement or understanding by an employee with an employer, or any term or condition of employment implied by law, that results in the <sup>Agreement,
etc., to
be null
and void</sup>

whole or any part of the wages of an employee being retained by, returned to or accepted by the employer, either directly or indirectly, is null and void.

Garnishment
not to be
grounds for
dismissal

- 3b. No employer shall dismiss or suspend an employee upon the ground that garnishment proceedings are or may be taken against that employee.

Director
may make
order

- 3c. Where associated or related activities, businesses, trades or undertakings are carried on by or through more than one corporation, individual, firm, syndicate or association, or any combination thereof, the Director may by order determine that all or any one or more of such corporations, individuals, firms, syndicates or associations are a single employer for the purposes of this Act and those corporations, individuals, firms, syndicates or associations determined to be a single employer shall be jointly and severally liable to pay unpaid wages, overtime and holiday pay and vacation pay.

Continuity
of
employment

- 3d. If an activity, business, trade or undertaking is disposed of, transferred or sold in any manner or amalgamated, whether by agreement, will, instrument, transfer, including transfer of shares, or by operation of law, the period of employment of an employee of the activity, business, trade or undertaking at the time of such disposition, transfer, sale or amalgamation, shall be deemed to have been employment with the dispossessor, transferee, purchaser or amalgamation and the continuity of employment shall not be broken.

Priority of
claims

- 3e.—(1) Notwithstanding the provisions of any other Act, a person to whom unpaid wages is due and owing by an employer shall have first priority over the claims or rights, including the claims or rights of the Crown, of all preferred, ordinary or general creditors of the employer to the extent of \$2,000.

Vacation
pay deemed
to be
held in trust

- (2) Every employer shall be deemed to hold vacation pay accruing due to an employee in trust for the employee and for payment of the vacation pay over in the manner and at the time provided under this Act and the regulations, and the amount shall be a charge upon the assets of the employer or his estate in his hands or the hands of a trustee and shall have priority over all other claims.

3. Section 5 of *The Employment Standards Act, 1968* is ^{1968, c. 35,} repealed and the following substituted therefor: ^{s. 5,} ^{re-enacted}

5. The Director or any person designated so to do, may ^{Powers of Director} inquire into any matter or thing relating to the administration or enforcement of this Act and the regulations, and, without limiting the generality of the foregoing, the Director, or the person designated so to do, may,
- (a) summon and enforce the attendance of witnesses, and examine them under oath and require them to produce such documents and things as he considers requisite to the full investigation and consideration of matters or things within his jurisdiction;
 - (b) accept such evidence, oral or written, as in his discretion he considers proper;
 - (c) determine that all, any one or more or any combination of a corporation, individual, firm, syndicate or association are a single employer for the purposes of this Act;
 - (d) determine whether a person is an employee or an employer for the purposes of this Act;
 - (e) determine the regular rate paid to an employee;
 - (f) determine whether any act, agreement, arrangement or scheme is intended to have or has the effect, directly or indirectly, of defeating the true intent and purpose of this Act;
 - (g) determine whether an employer has failed to pay wages, or any pay or vacation pay to which an employee is entitled under this Act or under the terms and conditions of his employment;
 - (h) determine whether an activity, business, trade or undertaking is or has been disposed of, transferred, sold or amalgamated within the meaning of section 3d.

4. *The Employment Standards Act, 1968* is amended by ^{1968, c. 35,} adding thereto the following Part: ^{amended}

PART 1A

TERMINATION OF EMPLOYMENT

Application
of Part

6a. This Part applies to the Crown, every agency thereof and any board, commission, authority or corporation that exercises any functions assigned or delegated to it by the Crown.

Notice of
termination

6b.—(1) No employer shall terminate the employment of a person who has been employed for three months or more unless he gives,

(a) one week's notice in writing to the person if his period of employment is less than two years;

(b) two weeks' notice in writing to the person if his period of employment is two years or more but less than five years;

(c) four weeks' notice in writing to the person if his period of employment is five years or more but less than ten years; and

(d) eight weeks' notice in writing to the person if his period of employment is ten years or more,

and such notice has expired.

Idem

(2) Notwithstanding subsection 1, the notice required by an employer to terminate the employment of fifty or more persons in any period of four weeks or less shall be given in the manner and for the period prescribed in the regulations, and until the expiry of such notice the terminations shall not take effect.

Exceptions

(3) Subsections 1 and 2 do not apply to,

(a) a person employed for a definite term or task;

(b) a person who is temporarily laid-off, as defined in the regulations;

(c) a person who has been guilty of wilful misconduct or disobedience or wilful neglect of duty that has not been condoned by the employer;

- (d) a contract of employment that is or has become impossible of performance or is frustrated by a fortuitous or unforeseeable event or circumstance; or
 - (e) a person employed in an activity, business, work, trade, occupation or profession, or any part thereof, that is exempted by the regulations.
- (4) Where an employer is required to give the notice referred to in subsection 2, he shall co-operate with the Minister during the period of the notice in any action or program intended to facilitate the re-establishment in employment of the persons whose employment is to be terminated. Employer to co-operate with Minister
- (5) Where the notice referred to in subsection 1 or 2 has been given, Rates of wages, etc., not to be altered
- (a) no employer shall alter the rates of wages or any other term or condition of employment of any person to whom notice has been given; and
 - (b) upon the expiry of the notice, the employer shall pay to the person the wages and any unpaid vacation pay to which he is entitled.
- (6) Notwithstanding subsections 1 and 2, the employment of a person may be terminated forthwith where the employer gives to the person notice in writing to that effect and, When employment may be terminated forthwith
- (a) pays to the person an amount equal to the wages to which the person would have been entitled for work that would have been performed by him at the regular rate for a normal non-overtime workweek for the period of notice prescribed under subsection 1 or the regulations, as the case may be; and
 - (b) pays to the person any unpaid vacation pay to which the person is entitled under Part VI.
- (7) Any amount payable under clause *a* of subsection 6 shall be deemed to be unpaid wages for the purpose of this Act. Amount payable deemed to be wages
- (8) Where an employer, Director may determine amounts payable

- (a) fails to give the notice in writing prescribed in subsection 1 or in the regulations, as the case may be;
- (b) fails to pay wages or any vacation pay to which an employee is entitled under clause b of subsection 5; or
- (c) fails to pay the moneys to which an employee is entitled under subsection 6,

the Director may determine the amount or amounts which the employee is entitled to receive and section 28 shall apply.

Notice by
employee

- (9) Subject to subsection 10, an employee to whom notice has been given under subsection 2 shall not terminate his employment until after the expiry of,
 - (a) one week's notice in writing to the employer if the period of employment is less than two years; and
 - (b) two weeks' notice in writing to the employer if the period of employment is two years or more.

Idem

- (10) An employee may terminate his employment forthwith upon notice where his employer has been guilty of a breach of the terms and conditions of employment.

Rights,
etc., not
affected

- (11) Nothing in this section affects any rights or benefits of an employee under any law, custom, agreement or arrangement that is more favourable to him than his rights or benefits under this section.

Regulations

- (12) The Lieutenant Governor in Council may make regulations respecting any matter or thing necessary or advisable to carry out the intent and purpose of this Part, and, without restricting the generality of the foregoing, may make regulations,
 - (a) prescribing the length of notice of termination of employment to be given by an employer or class of employers to a class or classes of employees;
 - (b) prescribing the length of notice of termination of employment to be given by an employee or class of employees to an employer or class of employers;

- (c) prescribing the manner of giving notice of termination of employment and the form and contents of such notice;
- (d) defining "temporarily laid off", "termination of employment", and "employment for a definite term or task";
- (e) prescribing what constitutes a period of employment; and
- (f) exempting any activity, business, work, trade, occupation or profession, or any part thereof from the application of this Part.

5. Section 14 of *The Employment Standards Act, 1968* is ^{1968, c. 35,} amended by adding thereto the following subsection: ^{s. 14,} amended

- (3) In complying with subsections 1 and 2, no employer shall reduce the regular rate of wages payable to an ^{Regular} employee. ^{rate not}
^{to be}
^{reduced}

6. Section 15 of *The Employment Standards Act, 1968* ^{1968, c. 35,} is repealed. ^{s. 15,} repealed

7. Sections 21, 22, 23 and 24 of *The Employment Standards Act, 1968* ^{1968, c. 35,} are repealed and the following substituted therefor: ^{ss. 21-24,} re-enacted

21.—(1) Every employer shall give to each employee, ^{Vacations}

- (a) a vacation with pay of at least one week upon the completion of the first twelve months of employment; and
- (b) a vacation with pay of at least two weeks upon the completion of each twelve months of employment thereafter.

(2) Where an employee has completed twelve months ^{Idem} of non-continuous employment during any period of thirty-six consecutive months subsequent to the year 1966, the employer shall give to the employee a vacation of at least one week with pay upon the completion of the first twelve months of non-continuous employment and a vacation of two weeks with pay upon the completion of each twelve months of employment thereafter.

22.—(1) The employer shall determine the period when ^{When} an employee may take the vacation provided by ^{vacation} section 21, which in the case of a two-week vacation ^{taken}

may be a two-week period or two periods of one week each, but in any case the employee shall be given his vacation not later than ten months after the end of the year for which the vacation was given.

Director
may require
employer
to pay

- (2) Notwithstanding subsection 1, the Director may require the employer to pay to an employee at any time the vacation pay to which the employee is entitled under section 21.

Vacation
pay

23. Subject to subsection 1 of section 4, in the case of a one-week vacation the amount of pay for the vacation shall not be less than an amount equal to 2 per cent of the total pay of the employee in the year for which the vacation is given and, in the case of a two-week vacation the amount of pay for the vacation shall not be less than an amount equal to 4 per cent of the total pay of the employee in the year for which the vacation is given.

Payment
in lieu of
vacation

24. Where an employee has not been given a vacation with pay pursuant to section 21 or the employment of an employee is terminated for any cause or by operation of law, the employee shall be paid,

(a) an amount equal to 2 per cent of the total pay of the employee in the first twelve months of employment or any part thereof; and

(b) an amount equal to 4 per cent of the total pay of the employee in each succeeding twelve months of employment, or any part thereof.

1968, c. 35,
s. 28,
re-enacted

8. Section 28 of *The Employment Standards Act, 1968* is repealed and the following substituted therefor:

Determin-
ation of
amounts
payable

- 28.—(1) Where an employer has failed to pay any amount of wages, overtime pay, pay for work performed on a holiday or vacation pay that is due to an employee or employees under this Act or under any law, custom, agreement or arrangement that is more favourable to him or them than his or their rights or benefits under this Act, the Director or any person designated so to do may determine the amount or amounts due to the employee or employees.

Notice to
employer,
etc.

- (2) Where a determination has been made under subsection 1, the Director or any person designated so to do shall by notice in writing require the employer

to pay to the Director in trust any amount, not exceeding \$2,000 for any employee, that an employer has failed to pay to his employee or employees, and in addition to that amount the Director or any person designated so to do shall require the employer to pay to the Director in trust a penalty of 10 per cent of that amount.

- (3) Where the employer has paid the amount and the penalty required under subsection 2, the employer may, within fifteen days of the date of the notice, apply in writing in the prescribed form to the Minister for a review of the determination. ^{Employer may appeal to Minister}
- (4) The Minister or a person designated by him to review the determination shall give the employer notice of the time and place of hearing at which the employer or his agent may attend, present his evidence, and make his submissions, and the Minister or the person designated by him so to do may exercise any powers under section 5 and shall give his final decision which may vary, rescind or confirm the amount payable by the employer. ^{Hearing}
- (5) An employer dissatisfied with a decision made under subsection 4 may appeal from the decision to the Court of Appeal within fifteen days from the date of the decision upon the ground that the decision is, ^{Appeal to Court of Appeal}
 - (a) erroneous in point of law; or
 - (b) in excess of jurisdiction.
- (6) Upon the request of an employer desiring to appeal, the Minister or person designated by him to review the determination shall state a case setting forth the facts as found and the grounds upon which the decision is questioned. ^{Minister to state case on request}
- (7) An appeal under subsection 5 shall be by motion, notice of which shall be served upon the Minister and the record shall consist of the case as stated. ^{Procedure}
- (8) The Court of Appeal shall hear and determine the appeal in accordance with the practice in appeals from a decision of a judge of the Supreme Court and may make such order as the court considers proper or may refer the matter or any part thereof back to the ^{Idem}

Minister or the person designated by him to review the determination with such directions as the court considers proper.

Payment to
employee
where no
appeal

- (9) Where no appeal has been made to the Minister, the Director shall pay to the employee or employees the moneys collected from the employer on his or their behalf.

Payment to
employee,
etc., when
appeal taken

- (10) Where an appeal has been made to the Minister or an appeal has been taken under subsection 5, the Director shall pay to the employee or the employees the amounts owing as determined upon the final disposition of the appeal and shall pay to the employer any moneys to which the employer is entitled upon that final disposition.

1968, c. 35,
amended

9. *The Employment Standards Act, 1968* is amended by adding thereto the following section:

Garnishment

- 28a.—(1) When the Director has knowledge or suspects that a person is or is about to become indebted or liable to make any payment to an employer who is liable to make any payment under this Act, he may, by registered letter or by a letter served personally, require the first named person to pay the moneys otherwise payable to the employer in whole or in part to the Director in trust on account of the liability under this Act.

Idem

- (2) The receipt of the Director for moneys paid as required under this section is a good and sufficient discharge of the original liability to the extent of the payment.

1968, c. 35,
s. 29, subs. 1,
cls. d, h,
re-enacted

10.—(1) Clauses *d* and *h* of subsection 1 of section 29 of *The Employment Standards Act, 1968* are repealed and the following substituted therefor:

(*d*) defining what comprises a regular rate of pay;

.

(*h*) specifying the deductions that may be made from the wages paid to employees.

1968, c. 35,
s. 29, subs. 1,
amended

(2) Subsection 1 of the said section 29 is amended by adding thereto the following clauses:

(*ma*) prescribing rates of pay and hours of work for the whole or part of any industry, business or trade in a designated part of Ontario;

(mb) providing for the substitution of another day in lieu of a day defined as a holiday in this Act;

(mc) providing for the averaging of daily or weekly hours of work over a longer period of time.

11. Clause *a* of subsection 1 of section 31 of *The Employment Standards Act, 1968* is amended by inserting after ^{1968, c. 35, s. 31, subs. 1, cl. *a*, amended} “keep” in the first line “in Ontario”, and by striking out “eighteen” in the first line and inserting in lieu thereof “twenty-four”, so that the clause, exclusive of the subclauses, shall read as follows:

(a) make and keep in Ontario for a period of twenty-four months after work is performed by an employee complete and accurate records in respect of the employee showing,

.

12. Section 36 of *The Employment Standards Act, 1968* ^{1968, c. 35, s. 36, amended} is amended by adding thereto the following subsection:

(5) No prosecution under this Act shall be instituted ^{Limitation on} more than two years after the last act or default ^{prosecution} upon which the prosecution is based occurred.

13. This Act comes into force on a day to be named by the ^{Commence-} Lieutenant Governor by his proclamation. ^{ment}

14. This Act may be cited as *The Employment Standards* ^{Short title} *Amendment Act, 1970.*

An Act to amend
The Employment Standards Act, 1968

1st Reading

May 27th, 1970

2nd Reading

June 24th, 1970

3rd Reading

June 26th, 1970

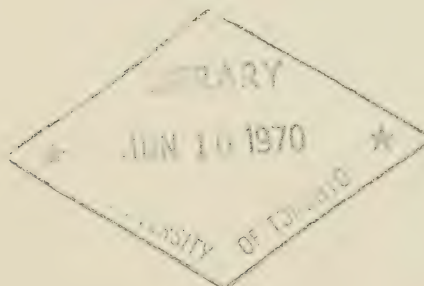
MR. BATES

BILL 97

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend
The Ontario Education Capital Aid Corporation Act, 1966**

MR. MACNAUGHTON



EXPLANATORY NOTE

The definition of "municipality" is amended so that the Act will apply to debentures issued by a district or regional municipality.

BILL 97

1970

**An Act to amend
The Ontario Education
Capital Aid Corporation Act, 1966**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Ontario Education Capital Aid Corporation Act, 1966* is amended by inserting after ^{1966, c. 101, s. 1, cl. *b*, amended} "metropolitan" in the first line "district or regional", so that the clause shall read as follows:

(*b*) "municipality" means a metropolitan, district or regional municipality, county, city, town, village, township, improvement district or school board, and "municipal" has a corresponding meaning.

2. This Act comes into force on the day it receives Royal ^{Commence-} Assent. ^{ment}

3. This Act may be cited as *The Ontario Education Capital Aid Corporation Amendment Act, 1970*. ^{Short title}

An Act to amend
The Ontario Education
Capital Aid Corporation Act, 1966

1st Reading

May 28th, 1970

2nd Reading

3rd Reading

MR. MACNAUGHTON

1970

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BILL 97

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to amend
The Ontario Education Capital Aid Corporation Act, 1966**

MR. MACNAUGHTON

BILL 97

1970

**An Act to amend
The Ontario Education
Capital Aid Corporation Act, 1966**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause *b* of section 1 of *The Ontario Education Capital Aid Corporation Act, 1966* is amended by inserting after ^{1966, c. 101, s. 1, cl. b, amended} "metropolitan" in the first line "district or regional", so that the clause shall read as follows:

(b) "municipality" means a metropolitan, district or regional municipality, county, city, town, village, township, improvement district or school board, and "municipal" has a corresponding meaning.

2. This Act comes into force on the day it receives Royal Assent. ^{Commence-ment}

3. This Act may be cited as *The Ontario Education Capital Aid Corporation Amendment Act, 1970*. ^{Short title}

An Act to amend
The Ontario Education
Capital Aid Corporation Act, 1966

1st Reading

May 28th, 1970

2nd Reading

June 9th, 1970

3rd Reading

June 9th, 1970

Mr. MACNAUGHTON

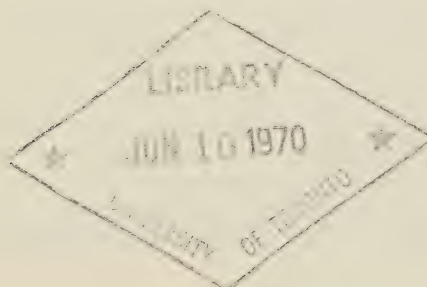


BILL 98

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Tile Drainage Act

Mr. MACNAUGHTON



EXPLANATORY NOTE

The total indebtedness of a municipality under *The Tile Drainage Act* shall not exceed \$750,000. Prior to the amendment, the limit was \$500,000. The Act is also amended to apply to The District Municipality of Muskoka.

BILL 98

1970

An Act to amend The Tile Drainage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1a of *The Tile Drainage Act*, as enacted by section 1 of *The Tile Drainage Amendment Act, 1968-69*, is amended by inserting after “a” in the sixth line “district or”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 399, s. 1a
(1968-69,
c. 129, s. 1),
subs. 1,
amended

- (1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may pass by-laws (Form 1) authorizing the borrowing of money for the purposes of the construction of drainage works and the issuance of debentures by the municipality or by a district or regional municipality on its behalf.

Borrowing
powers of
municipalities
R.S.O. 1960,
c. 274

(2) Subsection 2 of the said section 1a is amended by inserting after “a” in the second line “district or” and by striking out “\$500,000” in the ninth line and inserting in lieu thereof “\$750,000”, so that the subsection shall read as follows:

R.S.O. 1960,
c. 399, s. 1a,
(1968-69,
c. 129, s. 1),
subs. 2,
amended

- (2) Subject to subsections 3 and 4, a municipality or a district or regional municipality on its behalf may borrow in sums of not less than \$2,000 and the total indebtedness of a municipality under this Act shall not exceed \$300,000 at any one time, but if the assessment of the whole rateable property in the municipality according to the last revised assessment roll is not less than \$3,000,000, its total indebtedness under this Act shall not exceed \$750,000 at any one time.

Idem

2. Section 20 of *The Tile Drainage Act*, as amended by section 5 of *The Tile Drainage Amendment Act, 1968-69*, is repealed and the following substituted therefor:

R.S.O. 1960,
c. 399, s. 20,
re-enacted

Discharge of
indebtedness
by owner

20. The owner of land in respect of which money has been borrowed may at any time obtain the discharge of the indebtedness by paying to the treasurer of the municipality the amount borrowed, with interest thereon at the rate payable by the municipality or district or regional municipality to the Treasurer of Ontario or his assignee on the debentures of the municipality or district or regional municipality that the Treasurer or his assignee holds in respect of the said indebtedness, less any sum already paid on account of principal and interest, and upon the same being paid to the treasurer, he shall forthwith transmit it to the Treasurer of Ontario or his assignee who shall apply it towards payment of the debentures of the municipality or district or regional municipality.

R.S.O. 1960,
c. 399, s. 22,
subs. 1,
amended

3. Subsection 1 of section 22 of *The Tile Drainage Act*, as amended by section 6 of *The Tile Drainage Amendment Act, 1968-69*, is further amended by inserting after "or" in the amendment of 1968-69 "district or", so that the subsection shall read as follows:

Repayment
by municipi-
pality to
Province

- (1) The amount payable in each year for principal and interest shall be remitted by the treasurer of the municipality or district or regional municipality to the Treasurer of Ontario or his assignee within one month after it became payable, together with interest at the rate of 7 per cent per annum during the time of any default in payment.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Tile Drainage Amendment Act, 1970*.

An Act to amend
The Tile Drainage Act

1st Reading

May 28th, 1970

2nd Reading

3rd Reading

MR. MACNAUGHTON

B
B 56

Publication

BILL 98

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Tile Drainage Act

MR. MACNAUGHTON



An Act to amend The Tile Drainage Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Subsection 1 of section 1a of *The Tile Drainage Act*,^{R.S.O. 1960, c. 399, s. 1a} as enacted by section 1 of *The Tile Drainage Amendment Act*,^{(1968-69, c. 129, s. 1),} 1968-69, is amended by inserting after "a" in the sixth line^{subs. 1,} "district or", so that the subsection shall read as follows: amended

- (1) Subject to sections 64 and 65 of *The Ontario Municipal Board Act*, the council of a municipality may pass by-laws (Form 1) authorizing the borrowing of money for the purposes of the construction of drainage works and the issuance of debentures by the municipality or by a district or regional municipality on its behalf.^{Borrowing powers of municipalities R.S.O. 1960, c. 274}

(2) Subsection 2 of the said section 1a is amended by inserting after "a" in the second line "district or" and by striking out "\$500,000" in the ninth line and inserting in lieu thereof "\$750,000", so that the subsection shall read as follows:^{R.S.O. 1960, c. 399, s. 1a, (1968-69, c. 129, s. 1),} amended

- (2) Subject to subsections 3 and 4, a municipality or a district or regional municipality on its behalf may borrow in sums of not less than \$2,000 and the total indebtedness of a municipality under this Act shall not exceed \$300,000 at any one time, but if the assessment of the whole rateable property in the municipality according to the last revised assessment roll is not less than \$3,000,000, its total indebtedness under this Act shall not exceed \$750,000 at any one time.^{Idem}

2. Section 20 of *The Tile Drainage Act*, as amended by section 5 of *The Tile Drainage Amendment Act*, 1968-69, is^{R.S.O. 1960, c. 399, s. 20,} repealed and the following substituted therefor: re-enacted

Discharge of
indebtedness
by owner

20. The owner of land in respect of which money has been borrowed may at any time obtain the discharge of the indebtedness by paying to the treasurer of the municipality the amount borrowed, with interest thereon at the rate payable by the municipality or district or regional municipality to the Treasurer of Ontario or his assignee on the debentures of the municipality or district or regional municipality that the Treasurer or his assignee holds in respect of the said indebtedness, less any sum already paid on account of principal and interest, and upon the same being paid to the treasurer, he shall forthwith transmit it to the Treasurer of Ontario or his assignee who shall apply it towards payment of the debentures of the municipality or district or regional municipality.

R.S.O. 1960,
c. 399, s. 22,
subs. 1,
amended

3. Subsection 1 of section 22 of *The Tile Drainage Act*, as amended by section 6 of *The Tile Drainage Amendment Act, 1968-69*, is further amended by inserting after "or" in the amendment of 1968-69 "district or", so that the subsection shall read as follows:

Repayment
by municipi-
pality to
Province

- (1) The amount payable in each year for principal and interest shall be remitted by the treasurer of the municipality or district or regional municipality to the Treasurer of Ontario or his assignee within one month after it became payable, together with interest at the rate of 7 per cent per annum during the time of any default in payment.

Commence-
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. This Act may be cited as *The Tile Drainage Amendment Act, 1970*.



An Act to amend
The Tile Drainage Act

1st Reading

May 28th, 1970

2nd Reading

June 9th, 1970

3rd Reading

June 25th, 1970

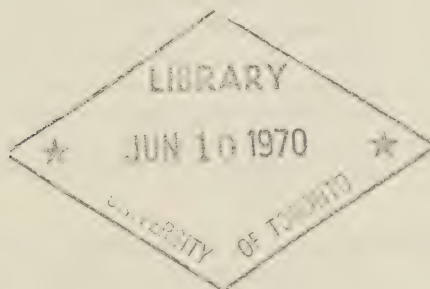
MR. MACNAUGHTON

BILL 99

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to authorize the Raising of Money
on the Credit of the Consolidated Revenue Fund**

MR. MACNAUGHTON



BILL 99

1970

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such ^{Loans up to \$460,000,000} sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* ^{R.S.O. 1960, c. 142} for the purpose of such payment, shall not exceed in the aggregate \$460,000,000.

(2) The sum or sums of money authorized to be raised by ^{Idem} subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

2. Any such sum or sums may be raised in any manner ^{Idem} provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1970*.

An Act to authorize the Raising
of Money on the Credit of the
Consolidated Revenue Fund

1st Reading

May 28th, 1970

2nd Reading

3rd Reading

MR. MACNAUGHTON

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

**An Act to authorize the Raising of Money
on the Credit of the Consolidated Revenue Fund**

MR. MACNAUGHTON

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 99

1970

An Act to authorize the Raising of Money on the Credit of the Consolidated Revenue Fund

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Lieutenant Governor in Council is hereby authorized to raise from time to time by way of loan such ^{Loans up to} \$460,000,000 sum or sums of money as are deemed expedient for any or all of the following purposes: for the public service, for works carried on by commissioners on behalf of Ontario, for discharging any indebtedness or obligation of Ontario or for reimbursing the Consolidated Revenue Fund for any moneys expended in discharging any indebtedness or obligation of Ontario, for making any payments authorized or required by any Act to be made out of the Consolidated Revenue Fund or for reimbursing the Consolidated Revenue Fund for any payments so authorized or required, and for the carrying on of the public works authorized by the Legislature; provided that the principal amount of any securities issued and sold for the purpose of raising any sum or sums of money by way of loan authorized by this Act together with the amount of any temporary loans raised under this Act, to the extent that such temporary loans are from time to time outstanding or have been paid from the proceeds of securities issued and sold under the authority of *The Financial Administration Act* ^{R.S.O. 1960, c. 142} for the purpose of such payment, shall not exceed in the aggregate \$460,000,000.

(2) The sum or sums of money authorized to be raised by ^{Idem} subsection 1 for the purposes mentioned therein shall be in addition to all sums of money authorized to be raised by way of loan under any other Act.

2. Any such sum or sums may be raised in any manner ^{Idem} provided by *The Financial Administration Act* and shall be raised upon the credit of the Consolidated Revenue Fund and shall be chargeable thereupon.

Commence-
ment

3. This Act comes into force on the day it receives Royal Assent.

Short title

4. This Act may be cited as *The Ontario Loan Act, 1970*.

An Act to authorize the Raising
of Money on the Credit of the
Consolidated Revenue Fund

1st Reading

May 28th, 1970

2nd Reading

June 9th, 1970

3rd Reading

June 9th, 1970

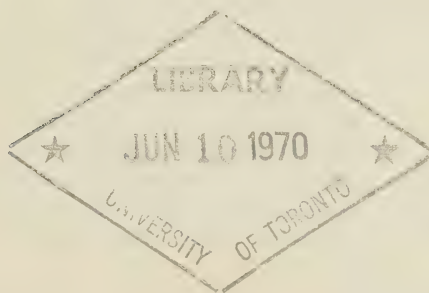
MR. MACNAUGHTON



3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Farm Products Containers Act

MR. STEWART



TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

EXPLANATORY NOTE

The purpose of the Bill is to broaden the licensing provisions of the Act.

BILL 100

1970

An Act to amend The Farm Products Containers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *c* and *d* of section 1 of *The Farm Products Containers Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 135, s. 1,
cl. *c*,
re-enacted
cl. *d*,
repealed

(*c*) “licence” means a licence provided for under an order.

(2) The said section 1 is amended by adding thereto the following clause:

R.S.O. 1960,
c. 135, s. 1,
amended

(*fa*) “order” means an order made under section 2.

2.—(1) Section 2 of *The Farm Products Containers Act* is amended by striking out “obtain a licence” in the fifth line and inserting in lieu thereof “be licensed”, so that the section, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 135, s. 2,
amended

(2) When the Minister receives from an association a request asking that for the purpose of defraying the expenses of the association, every producer of any product specified in the request who purchases containers therefor, be required to be licensed and to pay licence fees, the Minister, subject to the approval of the Lieutenant Governor in Council, may, if he is of the opinion that the association is fairly representative of such producers, make an order,

Establish-
ment of
fund

(2) Clause *e* of the said section 2 is repealed.

R.S.O. 1960,
c. 135, s. 2,
cl. *e*,
repealed

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Farm Products Containers Amendment Act, 1970*.

Short title

BILL 100

An Act to amend
The Farm Products
Containers Act

1st Reading

May 28th, 1970

2nd Reading

3rd Reading

MR. STEWART

BILL 100

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Farm Products Containers Act

MR. STEWART

TORONTO

PRINTED AND PUBLISHED BY WILLIAM KINMOND, QUEEN'S PRINTER AND PUBLISHER

BILL 100

1970

An Act to amend The Farm Products Containers Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses *c* and *d* of section 1 of *The Farm Products Containers Act* are repealed and the following substituted therefor:

R.S.O. 1960,
c. 135, s. 1,
cl. *c*,
re-enacted
cl. *d*,
repealed

(*c*) “licence” means a licence provided for under an order.

(2) The said section 1 is amended by adding thereto the following clause:

R.S.O. 1960,
c. 135, s. 1,
amended

(*fa*) “order” means an order made under section 2.

2.—(1) Section 2 of *The Farm Products Containers Act* is amended by striking out “obtain a licence” in the fifth line and inserting in lieu thereof “be licensed”, so that the section, exclusive of the clauses, shall read as follows:

R.S.O. 1960,
c. 135, s. 2,
amended

(2) When the Minister receives from an association a request asking that for the purpose of defraying the expenses of the association, every producer of any product specified in the request who purchases containers therefor, be required to be licensed and to pay licence fees, the Minister, subject to the approval of the Lieutenant Governor in Council, may, if he is of the opinion that the association is fairly representative of such producers, make an order,

Establish-
ment of
fund

(2) Clause *e* of the said section 2 is repealed.

R.S.O. 1960,
c. 135, s. 2,
cl. *e*,
repealed

3. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

4. This Act may be cited as *The Farm Products Containers Amendment Act, 1970*.

Short title

An Act to amend
The Farm Products
Containers Act

1st Reading

May 28th, 1970

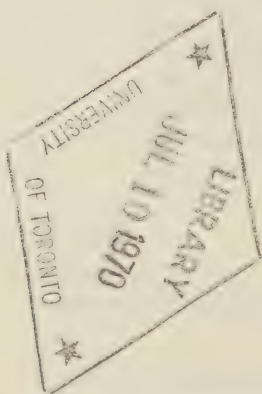
2nd Reading

June 9th, 1970

3rd Reading

June 9th, 1970

MR. STEWART

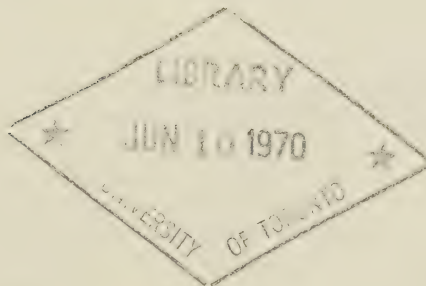


BILL 101

3RD SESSION, 28TH LEGISLATURE, ONTARIO
19 ELIZABETH II, 1970

An Act to amend The Municipal Act

MR. BERNIER



EXPLANATORY NOTES

The amendment provides that before proceeding with the sale of any land liable to be sold for arrears of taxes, the treasurer concerned shall afford a ninety-day period to the Minister of Lands and Forests to purchase such lands on behalf of the Crown, upon payment of the arrears of taxes and costs owing. The usual one year redemption period continues to be available to the owner in the case of such purchase.

Where the Minister does not acquire any lands offered to him in the ninety-day period the treasurer shall proceed to sell such lands in the normal manner.

BILL 101

1970

An Act to amend The Municipal Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Part XXV of *The Municipal Act*, as enacted by section 31 of *The Municipal Amendment Act, 1968-69*, is amended by adding thereto the following section:

R.S.O. 1960,
c. 249, Pt.
XXV (1968-
69, c. 74,
s. 31),
amended

582a.—(1) Notwithstanding section 583 and the following sections of this Act, the treasurer shall, before offering any land for sale for taxes in the manner therein prescribed furnish to the Minister of Lands and Forests a copy of the list of lands annexed to the warrant.

Treasurer to
furnish list
of lands to
be sold to
Minister of
Lands and
Forests

(2) The Minister of Lands and Forests may, within ninety days following the furnishing of the list to him, upon payment to the treasurer of the arrears of taxes and costs with respect to any lot or lots on the list, purchase such lot or lots on behalf of the Crown in right of Ontario, and the owner may redeem the land within one year of the date of the purchase upon payment of the taxes, costs and other charges with respect to such land determined as provided in subsection 1 of section 588.

Minister
may pur-
chase lands
within
ninety days

(3) After the expiry of the ninety-day period mentioned in subsection 2, the treasurer shall make such revision in the list of lands annexed to the warrant as may be required by reason of the Minister of Lands and Forests having purchased any lot or lots on the list, and shall thereupon proceed in the manner prescribed in section 583 and the following sections of this Act with respect to any lot or lots not so purchased by the Minister.

Duty of
Treasurer
after expiry
of ninety-
day period

2. This Act comes into force on the day it receives Royal Assent.

Commence-
ment

3. This Act may be cited as *The Municipal Amendment Act, 1970*.

Short title

An Act to amend
The Municipal Act

1st Reading

May 28th, 1970

2nd Reading

3rd Reading

MR. BERNIER

1970



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